

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

-----)
DONNA CURLING, et al.,)
Plaintiffs,) Case No.
vs.) 1:17-cv-2989-AT
BRAD RAFFENSPERGER, et al.,)
Defendants.)
-----)

REMOTE DEPOSITION OF AHN LE
NOVEMBER 4, 2021

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

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NOVEMBER 4, 2021

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2:09 P.M.

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Videotaped deposition of AHN LE taken
remotely by video conference pursuant to notice
before Tina M. Alfaro, a Certified Realtime
Reporter and a Notary Public within and for the
District of Columbia.

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFFS:

3 MORRISON & FOERSTER, LLP

4 BY: TAMARA WIESEBRON, ESQ.

5 HANNAH ELSON, ESQ.

6 ZACHARY FUCHS, ESQ.

7 REEMA SHOCAIR ALI, ESQ.

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10

11 ON BEHALF OF THE DEFENDANTS:

12 TAYLOR ENGLISH DUMA, LLP

13 BY: DIANE LaROSS, ESQ.

14 1600 Parkwood Circle, Suite 200

15 Atlanta, Georgia 30339

16 and

17 ROBBINS FIRM

18 BY: CAREY MILLER, ESQ.

19 500 14th Street, NW

20 Atlanta, Georgia 30318

21

22

1 APPEARANCES: (cont'd)

2 ON BEHALF OF FULTON COUNTY BOARD OF
3 REGISTRATION ELECTION AND RICHARD BARRON:
4 FULTON COUNTY ATTORNEY'S OFFICE
5 BY: NANCY ROWAN, ESQ.

6 141 Pryor Street, SW, Suite 4083
7 Atlanta, Georgia 30303

8

9 ALSO PRESENT: Scott Forman (Videographer)

10 Marilyn Marks (Coalition for Good
11 Governance)

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1	I N D E X	
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1 THE VIDEOGRAPHER: Good afternoon. We're 14:09:07
2 going on the record at 2:09 p.m. on November 4, 14:09:08
3 2021. This is media unit 1 of the video recorded 14:09:12
4 deposition of Ahn Le in the matter of Donna 14:09:18
5 Curling, et al., versus Brad Raffensperger, 14:09:21
6 et al., filed in the United States District 14:09:26
7 Court for the Northern District of Georgia, Case 14:09:28
8 No. 1:17-CV-2989. This deposition is being held on 14:09:32
9 Sycamore Drive in Atlanta, Georgia. 14:09:38
10 My name is Scott Forman from the firm 14:09:42
11 Veritext. I am the videographer. The court 14:09:46
12 reporter is Tina Alfaro from the firm Veritext. 14:09:47
13 Counsel will now state their appearances 14:09:51
14 and affiliations for the record. 14:09:53
15 MS. WIESEBRON: Hi. You have Tamara 14:09:55
16 Wiesebron from Morrison & Foerster appearing on 14:09:56
17 behalf of Curling Plaintiffs, and I'm here 14:10:01
18 virtually today accompanied by my colleagues 14:10:04
19 Zachary Fuchs, Hannah Elson, and Reema Shocair. 14:10:09
20 MS. LaROSS: Diane LaRoss. I represent 14:10:20
21 the Defendants in this case. I'm from Taylor 14:10:22
22 English and represent the deponent as well. We 14:10:25

1 have Carey Miller from our co-counsel firm of the 14:10:28
2 Robbins firm. 14:10:31

3 MS. MARKS: This is Marilyn Marks, and I'm 14:10:39
4 from the Coalition for Good Governance and a 14:10:41
5 Plaintiffs representative. 14:10:45

6 MS. ROWAN: Nancy Rowan on behalf of 14:10:47
7 Defendant Fulton County Board of Registration 14:10:50
8 Election and Richard Barron. 14:10:53

9 THE VIDEOGRAPHER: Thank you. I'll pause 14:10:56
10 just for a moment to make sure we have everyone. 14:10:58

11 Thank you very much. Will the court 14:11:02
12 reporter please swear in the witness. 14:11:04

13 (Witness sworn.) 14:11:06

14 WHEREUPON: 14:11:06

15 AHN LE, 14:11:06
16 called as a witness herein, having been first duly 14:11:06
17 sworn, was examined and testified as follows: 14:11:06

18 EXAMINATION 14:11:06

19 BY MS. WIESEBRON: 14:11:24

20 Q. Good afternoon, Ms. Le. Thank you for 14:11:24
21 being here today. 14:11:27

22 Could you please state your name and 14:11:29

1 address for the record. 14:11:30

2 A. Yes. Ahn Le, address 513 Sycamore Drive, 14:11:33
3 Decatur, 30030. 14:11:38

4 Q. I'll be asking you a series of questions 14:11:42
5 regarding this litigation. Before we do that, do 14:11:44
6 you understand that you are under oath? 14:11:47

7 A. Yes. 14:11:49

8 Q. If you answer a question I will assume 14:11:52
9 that you understood the question. Is that okay? 14:11:55

10 A. Yes. 14:11:57

11 Q. If you realize an answer you gave earlier 14:12:00
12 is incomplete or incorrect, will you let me know? 14:12:02

13 A. Yes. 14:12:09

14 Q. Is there any reason why you would be 14:12:09
15 unable to give your full and complete testimony 14:12:11
16 today? 14:12:13

17 A. No. 14:12:14

18 Q. Because we're in a remote environment, I 14:12:17
19 just want to make sure that you have no chat 14:12:20
20 function open on your computer or your cell phone? 14:12:22

21 A. No. 14:12:25

22 Q. And if you need to take a break at any 14:12:28

1	point, just let me know. I'm only going to ask	14:12:30
2	that you answer any questions that are pending.	14:12:34
3	Does that sound okay?	14:12:36
4	A. Yes.	14:12:40
5	Q. Ms. Le, did you go to college?	14:12:40
6	A. Yes.	14:12:44
7	MS. LaROSS: Excuse me, Tamara. I just	14:12:45
8	wanted to start from the outset the same	14:12:47
9	stipulations as the previous deposition and the	14:12:49
10	other depositions concerning reserving all	14:12:52
11	objections except as to the form of the question	14:12:56
12	and responsiveness of the answer until first use or	14:12:59
13	at trial.	14:13:02
14	MS. WIESEBRON: That's fine.	14:13:03
15	MS. LaROSS: Okay. Sorry to interrupt.	14:13:04
16	Excuse me.	14:13:05
17	MS. WIESEBRON: No worries at all.	14:13:06
18	BY MS. WIESEBRON:	14:13:09
19	Q. I'll just repeat the question. Where did	14:13:09
20	you go to college?	14:13:12
21	A. University of California, San Diego.	14:13:14
22	Q. Great. And did you receive a degree?	14:13:18

		Page 10
1	A. Yes.	14:13:22
2	Q. What degree was -- did you receive?	14:13:23
3	A. Bachelor's degree in B.A., Bachelor of	14:13:27
4	Arts.	14:13:34
5	Q. In what subject matter?	14:13:34
6	A. Political science.	14:13:36
7	Q. And did you pursue any graduate work?	14:13:37
8	A. I pursued law school.	14:13:40
9	Q. Okay. And where did you go to law school?	14:13:41
10	A. Loyola Marymount University.	14:13:46
11	THE REPORTER: I'm sorry. One more time.	14:13:49
12	THE WITNESS: Loyola Law School,	14:13:53
13	Los Angeles.	14:13:54
14	Q. And what is your current employment?	14:13:56
15	A. I am an attorney, general counsel at GTA,	14:14:01
16	Georgia Technology Authority.	14:14:05
17	Q. And how long have you worked at Georgia	14:14:08
18	Technology Authority?	14:14:10
19	A. Three months.	14:14:10
20	Q. Where were you employed --	14:14:14
21	A. August, September, October. Yeah, three	14:14:16
22	months. Excuse me?	14:14:18

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1 Q. Where were you employed before the Georgia 14:14:19

2 Technology Authority? 14:14:22

3 THE REPORTER: You have to let her finish 14:14:23

4 her questions, please. 14:14:24

5 A. Okay. I'm sorry. I was at 14:14:26

6 (indecipherable) law firm. 14:14:31

7 THE REPORTER: I'm sorry. I'm having a 14:14:32

8 really hard time understanding you. 14:14:33

9 THE WITNESS: Can I move this microphone 14:14:46

10 closer or -- no? 14:14:46

11 THE REPORTER: I think maybe if you just 14:14:46

12 slow down a little bit. The clarity is just a 14:14:46

13 little bit bad, but otherwise we're fine. 14:14:46

14 THE WITNESS: Okay. Hartley Rowe & Fowler 14:14:46

15 is the law firm. 14:14:47

16 BY MS. WIESEBRON: 14:14:49

17 Q. And how long did you work there? 14:14:49

18 A. One year and eight months. 14:14:54

19 Q. And where were you before Hartley Rowe & 14:15:01

20 Fowler? 14:15:05

21 A. I had my own small practice for about nine 14:15:06

22 months, and then I decided to absorb that work into 14:15:12

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1 Hartley Rowe & Fowler.

14:15:16

2 Q. What practice did you specialize in?

14:15:21

3 A. Real estate.

14:15:25

4 Q. When did you join the State Election

14:15:31

5 Board?

14:15:37

6 A. I joined the State Election Board in early

14:15:38

7 2019. I believe it's April, I believe.

14:15:42

8 Q. You were appointed, correct?

14:15:46

9 A. Yes.

14:15:50

10 Q. Who were you appointed by?

14:15:50

11 A. The Republican party.

14:15:53

12 Q. And do you know what credentials you had

14:15:57

13 that made the Republican party appoint you?

14:16:02

14 MS. LaROSS: Object to the form. You can

14:16:05

15 go ahead and answer to your knowledge.

14:16:07

16 A. I do not know. It was not communicated to

14:16:09

17 me.

14:16:11

18 Q. Okay.

14:16:13

19 Were you involved in any election

14:16:15

20 organization prior to being appointed to the board?

14:16:18

21 A. Election organization like a nonprofit

14:16:25

22 or -- I'm sorry. Could you clarify?

14:16:30

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1 Q. Of course. Any -- were you involved in 14:16:32
2 any organization that related to or concerned 14:16:35
3 running elections in Georgia? 14:16:40

4 A. I was employed with the Secretary of 14:16:45
5 State's office. 14:16:48

6 Q. When were you employed with the Secretary 14:16:48
7 of State's office? 14:16:50

8 A. I was employed from 2011 to 2016. 14:16:53

9 Q. What was your role with the Secretary of 14:17:01
10 State's office? 14:17:04

11 A. I was deputy general counsel. 14:17:05

12 Q. And did you deal with election issues in 14:17:09
13 your capacity as deputy general counsel? 14:17:13

14 A. Yes, I did. 14:17:15

15 Q. And before joining the Secretary of State 14:17:20
16 in Georgia -- of Georgia in 2011 did you have any 14:17:23
17 experience dealing with elections in Georgia? 14:17:28

18 A. No. 14:17:36

19 Q. Did you join the Secretary of State of 14:17:44
20 Georgia as deputy general counsel or were you 14:17:46
21 eventually promoted to deputy general counsel while 14:17:49
22 working at the Secretary of State? 14:17:53

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1 A. I joined as deputy general counsel. 14:17:56

2 Q. Why did you accept the appointment as 14:18:07

3 member of the State Election Board? 14:18:11

4 A. Because I think it's an honor to serve on 14:18:15

5 behalf of Georgians. The State Election Board is 14:18:17

6 an honorable position and I take it with great 14:18:23

7 seriousness and I think it's an honor to serve. 14:18:27

8 Q. What was your familiarity with Georgia 14:18:39

9 elections prior to serving on the State Election 14:18:42

10 Board? 14:18:46

11 A. I'm sorry. What was my primary -- 14:18:49

12 Q. What was your familiarity? 14:18:51

13 A. Familiarity. I -- well, being in the 14:18:54

14 Secretary of State's office, of course, elections 14:18:57

15 is one component of the office. I did help out at 14:19:00

16 work. I also oversaw some of the operation side, 14:19:06

17 like the mail room, the warehouse, the front desk, 14:19:08

18 those types of areas that kind of support the 14:19:17

19 elections. Not directly necessarily in the 14:19:21

20 directions, but -- elections, but very much a key 14:19:24

21 component of elections, yeah. 14:19:27

22 Q. What did you do to prepare for the 14:19:31

Page 15

1 deposition today?

14:19:32

2 A. I spoke -- I had communications with my
3 attorney.

14:19:34

14:19:36

4 Q. Did you meet with your attorney?

14:19:38

5 A. Yes.

14:19:40

6 Q. For how long?

14:19:42

7 A. I believe an hour maybe, hour and a half,
8 somewhere around there.

14:19:45

14:19:49

9 Q. Did you review any documents filed in this
10 case?

14:19:51

14:19:56

11 A. I reviewed communications with my
12 attorney -- from my attorney.

14:19:56

14:19:59

13 Q. Have you seen the most recent complaint
14 filed in this case?

14:20:04

14:20:08

15 A. I do not believe I have. I do not know.
16 If I did, I do not recall seeing it. So no.

14:20:09

14:20:12

17 Q. What is your understanding of the claims
18 made in this litigation?

14:20:16

14:20:19

19 MS. LaROSS: Object to the form of the
20 question. You can go ahead and answer.

14:20:22

14:20:24

21 A. I understand that it involves the voting
22 machines and possibly the security of the voting

14:20:28

14:20:31

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1 machines.

14:20:34

2 Q. Have you discussed this litigation with
3 any members of the State Election Board?

14:20:42

14:20:45

4 A. No.

14:20:47

5 Q. Have you discussed this litigation with
6 any Secretary of State employees?

14:20:52

14:20:54

7 A. No.

14:20:58

8 Q. Have you discussed this litigation with
9 anyone else?

14:21:04

14:21:05

10 A. This -- no, I have not.

14:21:08

11 Let me go back to the last question. You
12 said with state -- you're not talking about state
13 election attorney briefings, correct?

14:21:10

14:21:12

14:21:16

14 Q. Unless they were made to you in your
15 capacity as a State Election Board member.

14:21:24

14:21:25

16 A. Yes. Any communication I've had is in
17 connection with my State Election Board member
18 position.

14:21:31

14:21:34

14:21:36

19 Q. Okay. And so without divulging any
20 privileged communications, you're saying that
21 you're briefed regularly by the state election
22 attorney?

14:21:37

14:21:41

14:21:47

14:21:50

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1 MS. LaROSS: I object to the form of the 14:21:51
2 question, lacks foundation. 14:21:52

3 THE WITNESS: Should I answer? 14:21:58

4 MS. LaROSS: Yes, you can go ahead and 14:21:59
5 answer. 14:22:01

6 A. I have been briefed as appropriate. 14:22:02

7 Q. Okay. And how often are you briefed by 14:22:04
8 the state election attorney? 14:22:07

9 A. On this case I only can recall one time 14:22:12
10 when I came on to let me know what it was generally 14:22:18
11 and that I would be added as a Defendant. 14:22:22

12 Q. Okay. Have you been deposed as a member 14:22:26
13 of the State Election Board in any other 14:22:30
14 litigations? 14:22:32

15 A. No. 14:22:33

16 Q. To the best of your understanding, what 14:22:38
17 are the responsibilities of the State Election 14:22:41
18 Board? 14:22:43

19 MS. LaROSS: I object to the form of the 14:22:45
20 question. You can testify as to your 14:22:46
21 understanding. 14:22:49

22 A. My responsibilities are to apply the law 14:22:50

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1 as they're written, to do the best I can and to 14:22:54
2 uphold the law, and to honor the Constitution as 14:22:59
3 well as the State of Georgia laws and to apply the 14:23:03
4 knowledge that we have to do the best we can with 14:23:06
5 the duties we've been given. So... 14:23:09

6 Q. And what do you understand the Georgia 14:23:13
7 Constitution to require when it comes to running 14:23:19
8 elections? 14:23:21

9 MS. LaROSS: Object to the form of the 14:23:23
10 question to the extent it asks for a legal 14:23:25
11 conclusion. You can answer the question. 14:23:26

12 A. I think the Georgia Constitution requires 14:23:29
13 that I do it honorably, do it faithfully, uphold 14:23:31
14 the letter of the law as they're written, and the 14:23:36
15 letter of the law as written is to ensure the 14:23:39
16 elections are available and are conducted in a 14:23:43
17 manner that are prescribed by law. 14:23:46

18 Q. And is the State Election Board 14:23:50
19 responsible for promulgating rules and regulations 14:23:53
20 concerning Georgia elections? 14:23:58

21 A. Yes. 14:23:59

22 Q. Has the State Election Board promulgated 14:24:01

Page 19

1 any rules or regulations since you have joined the 14:24:07

2 State Election Board? 14:24:10

3 A. Yes. 14:24:11

4 Q. From what -- can you recall any examples 14:24:11

5 of rules relating to the running of elections that 14:24:14

6 were promulgated since you joined? 14:24:20

7 A. I would probably have to -- I need some 14:24:28

8 help there. If you can show me some I'm sure I can 14:24:30

9 see it, but yes, we have passed rules. 14:24:31

10 Q. Okay. 14:24:36

11 A. Yeah. I think we have minutes that record 14:24:37

12 all that from our meetings. 14:24:38

13 Q. Understood. 14:24:42

14 What is your title as a member of the 14:24:49

15 State Election Board? 14:24:51

16 A. I think it's just board member. 14:24:53

17 Q. And do you have any responsibilities in 14:24:56

18 particular in that position? 14:25:00

19 A. Outside of the usual being a board member, 14:25:03

20 no. 14:25:06

21 Q. Are you a member of any working groups on 14:25:08

22 the State Election Board? 14:25:11

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1	A. Uh-uh. I have covered only one meeting	14:25:13
2	this year for rule -- I don't recall which rule,	14:25:17
3	but it was a meeting that someone else couldn't	14:25:22
4	make. But other than that, no.	14:25:25
5	Q. Understood.	14:25:28
6	Are you familiar with Georgia's current	14:25:31
7	election system?	14:25:34
8	A. I'm familiar, uh-huh.	14:25:35
9	Q. Georgia uses ballot marking devices; is	14:25:39
10	that right?	14:25:46
11	A. Yes.	14:25:46
12	Q. Is it okay if I refer to these as BMD's	14:25:46
13	during this deposition?	14:25:51
14	A. Yes.	14:25:52
15	Q. Do you know when Georgia switched over to	14:25:53
16	this system?	14:25:55
17	A. I believe it's 2019.	14:25:59
18	Q. Are you familiar with Georgia's previous	14:26:05
19	election system?	14:26:08
20	A. I'm familiar. Not in the system as much,	14:26:10
21	but it was around when I was at Secretary of State,	14:26:14
22	yeah.	14:26:16

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1 Q. And Georgia previously used direct 14:26:19
2 recording electronic system, also referred to as 14:26:21
3 DRE's; is that right? 14:26:25

4 A. Yes. 14:26:30

5 Q. And do you have an understanding of why 14:26:30
6 Georgia switched from DRE's to BMD's? 14:26:34

7 MS. LaROSS: I object to the form of the 14:26:37
8 question. You can testify as to your 14:26:38
9 understanding. 14:26:40

10 A. I do not officially -- know the official 14:26:42
11 reasons. When I joined the State Election Board it 14:26:44
12 was already in motion and I took my position and 14:26:48
13 tried to assume my role the best I can, but I was 14:26:55
14 not advised on the hows and whys of those 14:27:01
15 decisions. 14:27:04

16 Q. Do you have an opinion on why Georgia 14:27:08
17 switched from DRE's to BMD's? 14:27:10

18 MS. LaROSS: I object to the form of the 14:27:13
19 question to the extent that she's not an expert. 14:27:15
20 You can testify as to your understanding. 14:27:17

21 A. I don't really have an opinion as to why 14:27:22
22 they were switched. I would imagine it's maybe 14:27:24

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1 possibly viewed as time for an update or just 14:27:28
2 viewed as something that's preferred obviously if 14:27:34
3 we're making a switch as a state, but I think it 14:27:38
4 works fine, it seems to be doing well. We've gone 14:27:41
5 through a couple of elections, at least a big 14:27:44
6 election with it. So yeah, but I don't really have 14:27:48
7 any, you know, side advice or updates or 14:27:50
8 consultation as to why the switch was made. 14:27:57

9 Q. Did you have a role in choosing Georgia's 14:28:01
10 current election system? 14:28:04

11 A. No. 14:28:05

12 Q. Do you know whether the State Election 14:28:09
13 Board had a role in choosing the current election 14:28:11
14 system? 14:28:13

15 A. I do not know. Again, when I joined I 14:28:14
16 think that was already -- the decision had been 14:28:20
17 made. So I -- and I was in my own outside world at 14:28:23
18 that time. So I really do not have any deeper 14:28:27
19 insight as to the hows and whys of those decisions. 14:28:31

20 Q. As a member of the State Election Board do 14:28:36
21 you care about the security of elections in 14:28:39
22 Georgia? 14:28:42

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1 MS. LaROSS: Object to the form of the 14:28:43
2 question, calls for speculation, lack of 14:28:45
3 foundation. You can answer to your understanding. 14:28:47

4 A. I do care. 14:28:51

5 Q. As a member of the State Election Board do 14:28:56
6 you find it important to know that Georgia's 14:28:58
7 election system is not vulnerable to being hacked 14:29:03
8 by unauthorized third parties? 14:29:05

9 MS. LaROSS: I have the same objection as 14:29:08
10 the last question. 14:29:09

11 A. I'm not an IT expert. I cannot speak to 14:29:10
12 the technical components of the system, but I can 14:29:15
13 say that, yes, it's very important that it is 14:29:22
14 secure and, again, I believe that our current 14:29:27
15 system is holding up very well. 14:29:30

16 Q. As a member of the State Election Board 14:29:36
17 would you support the use of an election system 14:29:38
18 that could be hacked in a few minutes by a voter in 14:29:42
19 the voting booth? 14:29:47

20 MS. LaROSS: Object to the form of the 14:29:48
21 question and with the same objections on the last 14:29:49
22 two questions. 14:29:51

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1 A. Again, the answer -- the question seems to 14:29:54
2 suggest that I'm an IT person who would know the 14:29:58
3 technology side of the components of these 14:30:04
4 machines. Again, back to the previous question, 14:30:06
5 I'll reiterate that secure and fair elections are 14:30:12
6 very important as a State Election Board member, 14:30:14
7 and those are issues, security would be absolute 14:30:18
8 paramount. So yes, it's an important thought that 14:30:23
9 I always hold in the forefront as I proceed in 14:30:26
10 anything I do when it comes to elections. 14:30:32

11 Q. Thank you. 14:30:34

12 I just want to focus on this question in 14:30:36
13 particular. I completely understand that you're 14:30:40
14 not an IT expert, but as a member of the State 14:30:43
15 Election Board which has a role in rules 14:30:50
16 promulgation for running Georgia elections, would 14:30:56
17 you support the use of an election system that 14:31:02
18 could be hacked in a few minutes by a voter in the 14:31:05
19 voting booth? 14:31:09

20 MS. LaROSS: Object to the form of the 14:31:10
21 question. It's the same objections I had to the 14:31:12
22 previous questions. 14:31:14

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1 A. So the hypothetical is based on the fact 14:31:18
2 that there are provable evidence in front of me 14:31:24
3 that a certain system is not secure. If that's the 14:31:28
4 case, no. If there's provable evidence in front of 14:31:34
5 me that points to -- that establishes that clearly, 14:31:38
6 then as a hypothetical I would not support 14:31:42
7 something like that. 14:31:44

8 Q. Thank you. 14:31:46

9 Are you familiar with BMD's? 14:31:50

10 A. I'm familiar from the standpoint of seeing 14:31:53
11 it and have used it as a voter. 14:31:56

12 Q. Do you know how they work? 14:32:02

13 A. As a voter, yes. 14:32:03

14 Q. Do you know what company manufactures the 14:32:07
15 BMD's? 14:32:09

16 A. I believe it's Dominion. 14:32:12

17 Q. Have you interacted at all with Dominion? 14:32:15

18 A. No. 14:32:20

19 Q. So as a member of the State Election Board 14:32:24
20 you have not communicated with Dominion in any way? 14:32:28

21 A. No. 14:32:31

22 Q. Have you inspected one of the BMD machines 14:32:42

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1 before? 14:32:46

2 A. When I joined the board there was a 14:32:50

3 training session or a display and I stepped into 14:32:56

4 one of them after one of the meetings -- hearings 14:33:02

5 and I stood in the back and listened to it for a 14:33:05

6 little bit, but then I had to leave to go back to 14:33:11

7 the office. So that was probably the closest I 14:33:14

8 came to seeing it outside of voting on it myself. 14:33:17

9 Q. What meeting are you referencing? 14:33:24

10 A. One of the hearings. I forget which one. 14:33:27

11 Q. What type of hearing was this? 14:33:29

12 A. Oh, the regular State Election Board 14:33:30

13 hearing. 14:33:33

14 Q. Okay. So is it your understanding that at 14:33:37

15 one of the State Election Board hearings there was 14:33:40

16 a BMD on display? 14:33:43

17 A. No, no, no. I just heard that maybe there 14:33:44

18 was training. Please don't quote me on the 14:33:47

19 specific hearing. I don't remember that. But I 14:33:50

20 was on the Hill and I remembered hearing that the 14:33:55

21 Secretary of State might be, you know, training 14:33:58

22 some of the counties with it. So I just stepped 14:34:00

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1 into it to just see what it was and how it worked 14:34:02

2 in display as opposed to in theory. So... 14:34:09

3 Q. Got it. 14:34:12

4 A. It might have been a training with the 14:34:13

5 county. I'm not sure. 14:34:15

6 Q. Understood. 14:34:17

7 Do you know how the BMD machines are 14:34:19

8 programmed? 14:34:21

9 A. No, I do not. 14:34:22

10 Q. Have you ever discussed with members of 14:34:28

11 the State Election Board how the machines are 14:34:29

12 programmed? 14:34:30

13 A. No, I have not. 14:34:32

14 Q. Do you know how the BMD machines are 14:34:36

15 updated? 14:34:38

16 A. No, I do not. 14:34:39

17 Q. Have you discussed with any members of 14:34:42

18 State Election Board how the machines are updated? 14:34:46

19 A. No, I have not. 14:34:48

20 Q. Do you know whether the State Election 14:34:50

21 Board has promulgated any rules or regulations 14:34:52

22 around how the machine should be updated? 14:34:55

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1 MS. LaROSS: Object to the form of the 14:35:01

2 question. 14:35:02

3 A. I don't believe we have. It would be on 14:35:06

4 the minutes if we have, but I do not recall a 14:35:09

5 specific rule on how the technology side gets 14:35:13

6 updated. I don't recall any of that, no. 14:35:17

7 Q. Are you aware what party is responsible 14:35:24

8 for updating the BMD machines? 14:35:29

9 MS. LaROSS: Object to the form of the 14:35:33

10 question. 14:35:34

11 A. No, I do not know specifically. I have 14:35:36

12 not looked into that. 14:35:43

13 Q. Do you know whether it is the Secretary of 14:35:44

14 State or Dominion who is responsible for updating 14:35:48

15 the machines? 14:35:52

16 MS. LaROSS: Object to the form of the 14:35:54

17 question. 14:35:54

18 THE WITNESS: No -- sorry. 14:35:55

19 MS. LaROSS: That's okay. Go ahead. 14:35:57

20 A. No, I -- I have not. I would imagine a 14:35:59

21 lot of that would have been discussed before I got 14:36:01

22 there as a board member. I've not. 14:36:03

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1 Q. Okay.

14:36:10

2 A. If it were discussed at all.

14:36:10

3 Q. Understood.

14:36:12

4 Just to clarify -- and I'm sorry if you

14:36:13

5 said this before. I remember that you testified

14:36:16

6 that you joined the State Election Board in 2019,

14:36:17

7 but what month exactly did you join in?

14:36:20

8 A. I believe it was April. I believe it's

14:36:26

9 April. Maybe March, but I believe it's April.

14:36:28

10 Q. And can you recall -- and you mentioned

14:36:34

11 that Georgia switched to BMD's in 2019 as well.

14:36:39

12 Can you recall if that was after you joined the

14:36:43

13 board?

14:36:45

14 A. I will be honest with you, it's a little

14:36:48

15 blurry because it was sort of at the same time.

14:36:51

16 You know, I was trying to drink water out of a

14:36:54

17 water hose, if you will, to try and get caught up.

14:36:57

18 So I feel like it's -- it's a motion, they were

14:37:00

19 rolling it out, that's why there was a training

14:37:02

20 session, but I don't know if it's right before I

14:37:04

21 joined or right after I joined. It was all around

14:37:09

22 the same time. In other words, it was early in its

14:37:12

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1 motion in rolling out, yeah.

14:37:17

2 Q. Are you aware that removable media such as

14:37:22

3 USB sticks can be inserted into BMD machines?

14:37:25

4 MS. LaROSS: I object to the form of the

14:37:30

5 question. She's not an expert and it calls for

14:37:31

6 speculation.

14:37:35

7 A. I don't know.

14:37:35

8 Q. Is that something that you discussed with

14:37:38

9 State Election Board members?

14:37:41

10 A. No. It's not something --

14:37:44

11 MS. LaROSS: I have the same objection.

14:37:46

12 Excuse me. Go ahead.

14:37:47

13 THE WITNESS: I'm sorry, Diane.

14:37:49

14 MS. LaROSS: It's fine. Go ahead.

14:37:51

15 THE WITNESS: No, it's not something we've

14:37:53

16 discussed.

14:37:54

17 BY MS. WIESEBRON:

14:38:03

18 Q. When voters use the BMD's to vote, do you

14:38:03

19 know whether they are provided with a paper

14:38:09

20 receipt?

14:38:11

21 A. Yes. They can print out a receipt.

14:38:16

22 Q. And do you know what appears on the paper

14:38:22

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1 receipt that is printed out after voters cast their 14:38:27

2 ballot? 14:38:30

3 A. Yes. I've seen my own. 14:38:32

4 Q. Okay. And what appears on the paper 14:38:34

5 receipt? 14:38:36

6 A. The votes I've cast. 14:38:38

7 Q. And is that -- is there a QR code and 14:38:40

8 human readable text? 14:38:46

9 MS. LaROSS: Object to the form of the 14:38:50

10 question. 14:38:50

11 A. I'm sorry. I think you said -- let me 14:38:53

12 know if I heard it wrong. You said is there a 14:38:56

13 QR code in readable text or and readable text? 14:38:59

14 Q. I'll clarify. My question was is there a 14:39:03

15 QR code and human readable text? 14:39:06

16 A. I believe there are both, if I recall, 14:39:09

17 yes. 14:39:12

18 Q. Are you aware that when the votes are 14:39:19

19 counted by the machine that scans them they only 14:39:24

20 scan the QR code? 14:39:29

21 MS. LaROSS: Object to the form of the 14:39:33

22 question. 14:39:34

1	A. I don't know the mechanics behind how	14:39:37
2	QR codes work. I just know that I scan them in and	14:39:40
3	it gets read.	14:39:42

4 Q. So as a member of the State Election Board 14:39:45

5 have you discussed how the votes are tabulated? 14:39:49

6 A. Let me try and frame that because I find 14:39:59
7 that broad. We know how votes get tabulated if 14:40:01
8 that's what you're asking. 14:40:09

9 Q. Okay. And so are the -- is the QR portion 14:40:10
10 of the receipt the part that's tabulated or is it 14:40:16
11 the human readable text? 14:40:20

12 MS. LaROSS: Object to the form of the 14:40:23
13 question. 14:40:23

14 A. If you're asking for my understanding, I 14:40:29

15 believe it's both. 14:40:32

16 Q. And what is the basis for your 14:40:37
17 understanding? 14:40:38

18 A. From the meeting. 14:40:40

19 Q. Which meeting? 14:40:43

20 A. Just from the State Election Board 14:40:45

21 meetings -- I'm sorry -- the hearings that we've 14:40:48

22 had where those were discussed. 14:40:54

1 Q. Okay. So you are not aware that it's only 14:41:04
2 the QR code that is scanned and tabulated; is that 14:41:08
3 your testimony? 14:41:11

4 MS. LaROSS: Object to the form of the 14:41:13
5 question, lacks foundation. 14:41:14

6 A. I understand that the QR code is read as 14:41:16
7 part of the way that the machine tabulates. I 14:41:20
8 don't know the technology behind how it's read, but 14:41:24
9 I know that that's what's read. 14:41:26

10 Q. Okay. And are you saying that you believe 14:41:31
11 that the human readable text is also tabulated 14:41:33
12 along with the QR code? 14:41:38

13 A. I think it's the QR code that gets 14:41:39
14 tabulated. 14:41:42

15 Q. Okay. 14:41:43

16 A. But I don't know what "read" means. Yes, 14:41:44
17 it's the QR code that gets tabulated. I don't 14:41:48
18 know -- yes. If that's the word, yes, tabulated. 14:41:51
19 I guess I assume when it gets read, I thought you 14:41:54
20 meant when it gets scanned in, yeah, that it's the 14:41:59
21 QR code. 14:42:01

22 Q. Okay. Apologies if I was -- 14:42:03

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1 A. No, no.

14:42:04

2 Q. So I'll just -- I'll try to clarify again

14:42:05

3 just so that -- to make sure we're all on the same

14:42:11

4 page.

14:42:14

5 Is it your understanding that only the

14:42:16

6 QR code is tabulated, or do you also believe that

14:42:19

7 the human readable text is also tabulated?

14:42:24

8 A. I believe that -- you know, again, these

14:42:36

9 machines were rolled out as I was coming on board,

14:42:38

10 and I believe that it's the QR code that gets read.

14:42:42

11 Q. Okay.

14:42:47

12 Would you support the use of election

14:43:00

13 equipment that could be hacked in such a way that

14:43:02

14 both the QR codes and human readable text could be

14:43:08

15 altered?

14:43:12

16 MS. LaROSS: I object to the form of the

14:43:14

17 question, it lacks foundation, calls for

14:43:15

18 speculation, and she's not an expert.

14:43:17

19 MS. WIESEBRON: Counsel, also, didn't we

14:43:19

20 agree that we were going to stipulate to the

14:43:21

21 objections and only do objections to form?

14:43:24

22 MS. LaROSS: Yeah. If that's your

14:43:27

1 understanding, if you don't want to have a chance 14:43:31

2 to cure the question, that's fine. I'll just stick 14:43:33

3 to the objection as to form if that's how you want 14:43:36

4 to conduct your deposition. 14:43:39

5 MS. WIESEBRON: Yeah. That would be 14:43:40

6 great. Thank you. 14:43:42

7 MS. LaROSS: Okay. 14:43:43

8 A. I'm sorry. Can you repeat the question? 14:43:45

9 Q. Sure. 14:43:46

10 Would you support the use of election 14:43:52

11 equipment that could be hacked in such a way that 14:43:54

12 both the QR codes and human readable text could be 14:43:56

13 altered? 14:44:01

14 MS. LaROSS: Objection as to form. 14:44:03

15 A. If you were to have evidence in front of 14:44:08

16 me or if I see evidence that it is, you know, not 14:44:10

17 secure, then no, I would not -- that's a 14:44:14

18 hypothetical, and under the hypothetical question 14:44:16

19 if I had those facts in front of me, no. 14:44:19

20 Q. Okay. 14:44:24

21 Do you believe it is important to voters 14:44:32

22 to be able to verify that their ballots accurately 14:44:34

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1 reflect their votes? 14:44:39

2 MS. LaROSS: Objection as to form. 14:44:42

3 A. Do I believe that it's important that 14:44:44

4 voters can verify; is that the question? I'm 14:44:46

5 sorry. 14:44:54

6 Q. No problem. I'll just repeat it. 14:44:54

7 Do you believe it is important to voters 14:44:57

8 to be able -- for them to be able to verify that 14:44:58

9 their ballots accurately reflect their votes? 14:45:02

10 MS. LaROSS: I have the same objection. 14:45:05

11 A. Okay. I think that's the BMD right now 14:45:07

12 that they can verify with the receipt. So I think 14:45:10

13 the voters have a way to verify their ballot, their 14:45:14

14 votes. 14:45:19

15 Q. Okay. We'll get to that in a minute, but 14:45:21

16 that doesn't exactly answer my question because -- 14:45:24

17 A. Okay. I'm sorry. 14:45:28

18 Q. No worries at all. I was just asking if 14:45:29

19 you believe it is important to voters for them -- 14:45:32

20 A. Yes, I think they should have -- 14:45:37

21 MS. LaROSS: I object to the form. Excuse 14:45:41

22 me. Go ahead. 14:45:43

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1 THE REPORTER: Let's let her finish her 14:45:44
2 questions, please. 14:45:45

3 THE WITNESS: Okay. I'm sorry. 14:45:46

4 BY MS. WIESEBRON: 14:45:47

5 Q. No worries. I'll just repeat it again and 14:45:47
6 then let you answer again. 14:45:51

7 A. Uh-huh. 14:45:53

8 Q. Thanks for your -- your patience. 14:45:53

9 A. Sure. 14:45:54

10 Q. So do you believe it is important to 14:45:55
11 voters for them to be able to verify that their 14:45:57
12 ballots accurately reflect their votes? 14:46:00

13 MS. LaROSS: Objection to the form. 14:46:05

14 A. Yes. I think it's important to voters and 14:46:08
15 it's important -- if that's important to voters, 14:46:12
16 then it's important to me and they've got that now 14:46:15
17 with the BMD. 14:46:19

18 Q. Okay. 14:46:20

19 To your knowledge, does the secretary -- 14:46:21
20 did the Secretary of State's office commission 14:46:26
21 studies regarding the election systems? 14:46:28

22 MS. LaROSS: Objection as to form. 14:46:33

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1 A. No, I don't know that. I don't have any 14:46:34
2 personal knowledge of that. 14:46:36

3 Q. Okay. Does the Secretary of State share 14:46:38
4 with the State Election Board whether it has 14:46:43
5 commissioned studies concerning Georgia's current 14:46:49
6 election system? 14:46:53

7 MS. LaROSS: Objection as to form. 14:46:54

8 A. I have not -- I'm not aware. 14:46:57

9 Q. Have you read or heard of the study 14:47:00
10 commissioned by the Secretary of State's office 14:47:07
11 regarding the 2020 Georgia elections titled 2021 14:47:10
12 Georgia Voter Verification Study? 14:47:17

13 A. Uh-uh. No, I've not seen it or read it. 14:47:24

14 Q. Okay. 14:47:30

15 As a member of the State Election Board 14:47:31
16 are you interested in knowing the content of 14:47:35
17 studies commissioned by the Secretary of State 14:47:40
18 concerning Georgia elections? 14:47:43

19 MS. LaROSS: Objection as to form. 14:47:46

20 A. I'd be curious to see what it says. 14:47:50

21 Q. So -- but you're not aware that in 2021 14:47:56
22 the Georgia Secretary of State commissioned a study 14:48:05

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1 about Georgia voter verification, correct? 14:48:08

2 MS. LaROSS: Objection as to form. 14:48:11

3 A. I don't -- I'm not -- I'm not aware, 14:48:14

4 complete blank. I don't remember anything like 14:48:18

5 that. 14:48:20

6 Q. No problem. 14:48:21

7 So are you aware that the study found that 14:48:24

8 over half of voters reviewed their ballot for less 14:48:28

9 than a second or not at all? 14:48:33

10 MS. LaROSS: Objection as to form. 14:48:36

11 A. No, I'm not aware. Again, I've not seen 14:48:38

12 this report. So I would not be aware of it. 14:48:41

13 Q. Are you surprised to hear that the study 14:48:45

14 found that over half of voters reviewed their 14:48:50

15 ballot for less than a second or not at all? 14:48:53

16 A. I don't know if I'm surprised or not 14:48:58

17 surprised. I think everyone operates differently, 14:48:59

18 and I never really thought about how long I take to 14:49:03

19 look. So no, I don't -- I'm not surprised either 14:49:05

20 way really. 14:49:14

21 Q. Would it surprise you to know that a 14:49:16

22 significant amount of voters did not review their 14:49:21

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1 ballot at all? 14:49:23

2 MS. LaROSS: Object to the form. 14:49:28

3 A. No. I don't know if I would be very 14:49:30

4 surprised or not surprised. I guess I just kind of 14:49:33

5 take everyone's way of voting as their way and 14:49:36

6 never thought about what they should or shouldn't 14:49:38

7 do with the way they vote. So no, I'm not 14:49:41

8 surprised because of that. 14:49:46

9 Q. Are voters -- sorry. 14:49:50

10 A. I guess I can speak for myself. I just 14:49:53

11 have a lot of faith in the way I vote. So I don't 14:49:56

12 know if I always look over everything that I vote 14:49:59

13 because I just have a lot of faith that, you know, 14:50:01

14 we have a good system and I cast my ballot. So -- 14:50:04

15 but I think everyone has a different way of going 14:50:09

16 about things. So I never really thought much about 14:50:12

17 how other people may do it, rather how much time 14:50:14

18 they should or shouldn't dedicate to something 14:50:19

19 because I know the way I go about it is sometimes 14:50:22

20 I'll cast my ballot and sometimes I'll take a 14:50:26

21 glance and look at it. 14:50:28

22 Q. When you say you have a lot of faith about 14:50:29

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1 how it's done, are you referring to having faith 14:50:32
2 that what you select in the machine corresponds to 14:50:35
3 your voting intentions? 14:50:42

4 A. Yes. 14:50:48

5 Q. Okay. 14:50:48

6 With the current election system are 14:50:49
7 voters able to verify that their paper receipt 14:50:52
8 reflects their voter intention as selected on the 14:51:00
9 BMD machine? 14:51:05

10 MS. LaROSS: Objection as to form. 14:51:08

11 A. By the receipt that they get and scanning 14:51:11
12 it in and the audits that have been conducted, I 14:51:13
13 think there is verification. 14:51:19

14 Q. Okay. But you testified a little bit 14:51:22
15 earlier that only the QR codes are tabulated, 14:51:28
16 right? 14:51:35

17 A. Yes. 14:51:38

18 Q. And are human voters able to read the 14:51:38
19 QR codes? 14:51:46

20 MS. LaROSS: Object to the form of the 14:51:49
21 question. 14:51:50

22 A. I can't read the QR code, but I also view 14:51:51

1 the QR codes as another component of the electronic 14:51:56
2 system that is making my vote possible no more than 14:52:01
3 I trust that the electricity that's coming into my 14:52:06
4 computer is running it the way it's supposed to and 14:52:10
5 it spits out the image and the results that I need. 14:52:12
6 So I view it as part of the tool and the machinery 14:52:16
7 that I've entrusted the entire voting system 14:52:20
8 because, you know, we rely a lot on technology to 14:52:24
9 make it happen. So -- and it does happen and we 14:52:28
10 know that -- I know for myself I have a lot of 14:52:32
11 faith in that because at the end of the day the 14:52:36
12 audits have proven it and my votes are counted. 14:52:39
13 That's how I view it. 14:52:46
14 Q. Well, so I understand that you have a lot 14:53:00
15 of, you know, faith in the system working, but my 14:53:02
16 question is whether voters are able to verify with 14:53:07
17 certainty that the QR code that is tabulated 14:53:13
18 matches their voting intent? 14:53:20
19 MS. LaROSS: Objection as to form. 14:53:25
20 A. I believe that it correlates. I'm not 14:53:29
21 quite sure how to answer the question. Maybe you 14:53:31
22 can help me by clarifying it. Are you -- yeah. 14:53:35

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1	Can you clarify for me?	14:53:41
2	Q. Sure.	14:53:44
3	So if there's a paper ballot and you fill	14:53:53
4	it in --	14:53:56
5	A. Uh-huh.	14:53:59
6	Q. -- then you can look at the paper	14:53:59
7	ballot --	14:54:01
8	A. Uh-huh.	14:54:02
9	Q. -- and you can see whether you, you know,	14:54:02
10	filled in the bubble for the proper candidate,	14:54:07
11	right?	14:54:11
12	A. Uh-huh.	14:54:11
13	Q. And then that actual paper ballot would be	14:54:12
14	tabulated. There's no other, you know, paper	14:54:16
15	that's going to be tabulated instead of that paper	14:54:20
16	ballot.	14:54:24
17	A. Uh-huh.	14:54:26
18	Q. Right?	14:54:26
19	A. Uh-huh.	14:54:27
20	Q. So there's some certainty in knowing that	14:54:27
21	what you fill in to that paper matches what's going	14:54:33
22	to be tabulated?	14:54:37

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1 MS. LaROSS: Objection as to form. 14:54:40

2 MS. WIESEBRON: Do you follow that? 14:54:41

3 A. I follow that. 14:54:42

4 Q. Okay. 14:54:45

5 So now if we go back to the machines, you 14:54:47

6 testified earlier that when a voter casts their 14:54:50

7 ballot on the machine, they obtain a receipt with a 14:54:55

8 QR code, right? 14:55:00

9 A. Uh-huh. 14:55:01

10 MS. LaROSS: I object to the form of the 14:55:03

11 question. 14:55:04

12 Q. And that QR code is going to get 14:55:04

13 tabulated, right? 14:55:08

14 A. Uh-huh. 14:55:11

15 Q. But you also testified that the QR code 14:55:16

16 cannot be read -- 14:55:20

17 A. Uh-huh. 14:55:25

18 Q. -- by voters, right? 14:55:25

19 MS. LaROSS: Object to the form. 14:55:27

20 MS. WIESEBRON: So my question is from 14:55:29

21 what you understand of BMD machines, is there a way 14:55:36

22 that voters can be certain that their ballots, you 14:55:38

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1 know, as intended to vote on the machines 14:55:48

2 corresponds to the QR code that's tabulated? 14:55:51

3 MS. LaROSS: Objection as to form. 14:55:56

4 A. I believe it's as certain as one can get 14:56:00

5 with the QR code, and you're comparing two 14:56:08

6 different processes in the hypothetical where if 14:56:12

7 you fill a sheet of paper out and, you know, you 14:56:15

8 didn't fill one out and then there's, you know, a 14:56:21

9 mark on this side to tabulate, that's a very 14:56:23

10 different process. When you use electronic you 14:56:26

11 have to take into account -- I have to take into 14:56:29

12 account the electronic process. 14:56:31

13 If I write a letter by hand versus an 14:56:33

14 e-mail, they're two different processes. So I have 14:56:35

15 to consider the two different processes. Are they 14:56:38

16 both equally -- do I have faith in both, yes, but 14:56:40

17 that doesn't mean that one because I'm doing it 14:56:44

18 electronically I have less faith in it than the 14:56:51

19 other. 14:56:54

20 Q. Understood. 14:56:56

21 I guess I'm trying to get at something 14:56:59

22 that's more than faith, but actual like factual 14:57:01

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1 certainty. 14:57:08

2 A. Okay. 14:57:08

3 Q. So my question is whether there can be 14:57:12

4 certainty. So not just faith, but -- 14:57:16

5 A. Yes, and I believe -- I'm sorry. 14:57:19

6 MS. LaROSS: I have an objection as to 14:57:22

7 form, but -- sorry. I'm so sorry. Finish your 14:57:23

8 question. 14:57:27

9 THE WITNESS: Yes, please. I'm sorry too. 14:57:30

10 THE REPORTER: We've got to go one at a 14:57:33

11 time, ladies. 14:57:34

12 Q. Everyone's excited to get their answer and 14:57:36

13 objection in. Understood. I'll repeat it. 14:57:39

14 So putting faith aside, can -- are voters 14:57:44

15 able to verify with certainty looking at the 14:57:50

16 QR code that their ballot as cast on the machine 14:57:55

17 accurately reflects the voter selection? 14:58:04

18 MS. LaROSS: Objection as to form. 14:58:07

19 A. I think what I'm understanding your 14:58:11

20 question is is the QR code readable as in text; is 14:58:13

21 that correct? 14:58:18

22 Q. I think that is definitely a big 14:58:22

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1 component. 14:58:26

2 A. Okay. So I believe that the votes are 14:58:28
3 accurately captured, but if you're asking me if 14:58:31
4 that box of QR code is readable text to the human 14:58:34
5 language, then it's not a readable text. 14:58:40

6 Q. Okay. 14:58:45

7 Would it give you more comfort or 14:58:47
8 certainty if the part of the receipt that was 14:58:51
9 tabulated was not the QR code but was actually 14:58:54
10 human readable text? 14:59:00

11 MS. LaROSS: Objection as to form. 14:59:03

12 A. The first half of your sentence, please, 14:59:06
13 was does it make me feel more comfortable, was that 14:59:08
14 the question? I'm sorry. 14:59:13

15 Q. Yeah. More comfortable if the part of the 14:59:13
16 receipt that was tabulated was human readable text 14:59:16
17 instead of a QR code. 14:59:24

18 A. I feel comfortable as it is. 14:59:27

19 Q. Okay. So you would -- 14:59:31

20 A. I would feel comfortable either way, 14:59:34
21 QR code or text. 14:59:37

22 Q. You would not feel more comfortable if you 14:59:39

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1 could actually read your voting selection and have 14:59:42
2 that printed human text readable voting selection 14:59:49
3 be counted? 14:59:57

4 MS. LaROSS: Objection as to form and this 14:59:59
5 has been asked and answered. 15:00:01

6 A. I feel comfortable either way. 15:00:03

7 Q. Okay. And what is your basis for not 15:00:09
8 having a preference between either the QR code or 15:00:12
9 the human readable text? 15:00:17

10 A. Because, again, I believe technology works 15:00:22
11 as it should. I believe that when I send my 15:00:27
12 e-mail, for example, across the wires it gets 15:00:31
13 converted. It doesn't -- if I write a word that 15:00:34
14 word is not carried through the live wires to your 15:00:38
15 in box. It gets transposed in its way -- and I 15:00:44
16 don't know the technology behind it, but it gets 15:00:48
17 transposed and it gets carried in its own way and 15:00:51
18 it comes back out the way it should to accurately 15:00:54
19 reflect in this case my vote, and because of that 15:00:57
20 it is a part of technology, it's a part of our 15:01:03
21 existence, and because it works I don't have a 15:01:07
22 preference. I believe it works as it should. 15:01:09

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1 Q. Understood.

15:01:16

2 So with your example of e-mail, are you --

15:01:20

3 if you write down a note for a friend and pass it

15:01:25

4 to them in person, do you have the same confidence

15:01:30

5 that that note arrived at that person than if you

15:01:33

6 e-mailed them?

15:01:38

7 MS. LaROSS: Object as to form.

15:01:40

8 A. Yes. The same way I have faith that if I

15:01:45

9 cast my ballot it gets converted to a QR code, it

15:01:54

10 will spit back out and get tabulated as it should.

15:01:57

11 Q. And you don't want something more than

15:02:01

12 faith to be the basis of knowing that your vote is

15:02:03

13 counted?

15:02:10

14 MS. LaROSS: I object to the form of the

15:02:11

15 question.

15:02:12

16 A. I have -- I use the word faith, but it's

15:02:17

17 confidence.

15:02:21

18 Q. Got it.

15:02:22

19 What is the basis of your confidence?

15:02:27

20 MS. LaROSS: I object to the form of the

15:02:30

21 question.

15:02:32

22 A. I feel like -- without sounding like I

15:02:33

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1 don't want to answer the question, which I do, but 15:02:38

2 I just feel like this is the same thing I've tried 15:02:40

3 to say in a number of different answers, which is, 15:02:43

4 you know, the technology works as it should. 15:02:48

5 Q. All right. You testified that you did not 15:02:56

6 know how the machines were programmed, correct? 15:03:00

7 MS. LaROSS: I object to the form of the 15:03:05

8 question. 15:03:08

9 A. I'm not an IT person, I'm not a 15:03:08

10 programmer, that's correct. 15:03:11

11 Q. Okay. And you testified that you did not 15:03:15

12 know how the BMD's were updated, correct? 15:03:17

13 A. That's correct. 15:03:22

14 Q. And I believe you testified you do not -- 15:03:26

15 you do not know whether removable media could be 15:03:28

16 inserted into BMD machines, correct? 15:03:33

17 MS. LaROSS: I object to the form of the 15:03:37

18 question. 15:03:39

19 A. Correct. 15:03:39

20 Q. And you testified that you did not inspect 15:03:44

21 a BMD machine, correct? 15:03:49

22 A. Not upfront and close, no. 15:03:54

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1 Q. Do you know whether the State Election 15:03:58

2 Board has commissioned a security expert to examine 15:04:03

3 a BMD machine? 15:04:08

4 A. I do not know. 15:04:11

5 Q. Is that something you ever discussed with 15:04:16

6 other State Election Board members? 15:04:18

7 A. I've not discussed that with other State 15:04:23

8 Election Board members, no. 15:04:25

9 Q. Do you know whether the BMD machines can 15:04:28

10 be infiltrated by malware? 15:04:35

11 MS. LaROSS: Objection as to form. 15:04:37

12 A. I think that that is a question for the IT 15:04:39

13 team, the security team, the people who run these 15:04:42

14 machines from an IT specialist standpoint. 15:04:47

15 Q. Understood. 15:04:52

16 A. I myself do not know how those things are 15:04:53

17 done. 15:04:57

18 Q. Okay. I guess I'm trying to ask as a 15:04:58

19 member of the State Election Board whether you know 15:05:00

20 if these machines can be infiltrated by malware? 15:05:07

21 MS. LaROSS: Objection as to form. 15:05:12

22 A. I'm not aware that they're infiltrated by 15:05:17

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1 malware. 15:05:23

2 Q. Right. I'm just -- I'm asking if you're 15:05:24

3 aware if they can be infiltrated by malware? 15:05:27

4 A. I guess in the world -- the universe of 15:05:32

5 technology is anything possible, I'm sure that's 15:05:35

6 amongst the possibilities, but I'm not aware that 15:05:39

7 our machines have been infiltrated. 15:05:41

8 Q. Right. 15:05:51

9 Do you know whether the BMD machines can 15:05:52

10 be connected to the Internet? 15:05:56

11 A. Can they be? They're not. As far as I 15:06:00

12 know when you're voting, those machines are not 15:06:04

13 connected to the Internet. Can they be in the 15:06:11

14 universe of possibilities? I don't -- I don't 15:06:13

15 think they are, but I don't know how they're -- if 15:06:17

16 someone can make them connected, but when you're 15:06:20

17 voting, no, they're not. 15:06:23

18 Q. Do you know whether they're connected to 15:06:29

19 the Internet when they are updated? 15:06:33

20 A. I'm not aware how they actually go through 15:06:37

21 the mechanics of behind the scenes. I know we have 15:06:39

22 elections officials who handle that and there are 15:06:46

1 security protocols that they go through. I have 15:06:49

2 not gone through one myself. 15:06:52

3 THE REPORTER: Tamara, are we at a good 15:06:57

4 spot for a break? 15:06:58

5 MS. WIESEBRON: Sure. No problem. 15:07:00

6 THE VIDEOGRAPHER: We're going off the 15:07:02

7 record. The time is 3:07 p.m. 15:07:03

8 (A short break was had.) 15:17:51

9 THE VIDEOGRAPHER: We're back on the 15:19:11

10 record. The time is 3:19 p.m. 15:19:12

11 BY MS. WIESEBRON: 15:19:22

12 Q. Are you aware that both parties in this 15:19:22

13 litigation have hired experts? 15:19:25

14 A. No, I'm not aware. 15:19:30

15 Q. Are you aware that Curling Plaintiffs 15:19:35

16 hired Dr. Alex Halderman as an expert? 15:19:39

17 A. No, I'm not. 15:19:43

18 Q. Are you aware that Dr. Halderman has 15:19:46

19 examined Georgia's voting equipment? 15:19:51

20 A. No, I'm not. 15:19:53

21 Q. Are you aware that he found Georgia's 15:19:56

22 voting equipment can be hacked in numerous ways? 15:19:59

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1 MS. LaROSS: Objection as to form. 15:20:03

2 A. No, I'm not aware. 15:20:04

3 Q. Are you aware that he found that at least 15:20:08

4 one of those hacks can be implemented by a voter in 15:20:11

5 the voting booth in a couple of minutes? 15:20:14

6 MS. LaROSS: Objection as to form. 15:20:17

7 A. No, I'm not aware. 15:20:19

8 Q. Are you aware that the election security 15:20:23

9 expert the State retained to respond to 15:20:26

10 Dr. Halderman's report testified under oath that he 15:20:30

11 does not dispute Dr. Halderman's findings that the 15:20:35

12 equipment can be hacked? 15:20:39

13 MS. LaROSS: Objection as to form. 15:20:42

14 A. I'm not aware. 15:20:44

15 Q. Are you aware that the election security 15:20:48

16 expert the State retained to respond to 15:20:50

17 Dr. Halderman's report testified to the following 15:20:56

18 under oath: "In fact, if I was asked a question we 15:21:00

19 need to have someone evaluate the security of it to 15:21:06

20 find vulnerabilities, at the top of my list would 15:21:10

21 be Andrea Powell and Dr. Halderman. That's where I 15:21:15

22 would start." 15:21:19

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1 MS. LaROSS: Objection as to form. 15:21:21

2 A. I'm not aware. 15:21:25

3 Q. Are you aware that the State has admitted 15:21:28

4 that it has taken no measures to address the many 15:21:30

5 findings Dr. Halderman found with Georgia's voting 15:21:33

6 equipment? 15:21:36

7 MS. LaROSS: Objection as to form. 15:21:37

8 A. I'm not aware. 15:21:42

9 Q. Does that affect your confidence in 15:21:44

10 Georgia's voting equipment? 15:21:46

11 MS. LaROSS: Objection as to form. 15:21:48

12 A. I think I need to know more about it. In 15:21:51

13 these questions format it's hard to say without 15:21:57

14 knowing the substantive and reviewing it and 15:21:59

15 understanding it as a deeper level. 15:22:02

16 Q. So just to summarize, does the fact that a 15:22:07

17 top security expert, which has been admitted to be 15:22:13

18 a top security expert by the State's own security 15:22:18

19 expert, has found many vulnerabilities in Georgia's 15:22:23

20 voting system, including the fact that it can be 15:22:30

21 hacked by a voter in a voting booth in less than a 15:22:35

22 few minutes, does that affect your confidence in 15:22:42

		Page 56
1	Georgia's voting system?	15:22:46
2	MS. LaROSS: I object to the form of the	15:22:48
3	question.	15:22:51
4	A. I think in fairness if I could, you	15:22:51
5	know -- if there were an opportunity to look at it,	15:22:55
6	study and understand it for myself how it was all	15:22:57
7	written and presented and tested, then I think I	15:23:01
8	would look at it from this lens, but in a Q and A	15:23:05
9	form of this format, you know, I don't know	15:23:11
10	anything about it like I mentioned. And so it's	15:23:13
11	hard to formulate an opinion without knowing more.	15:23:16
12	Q. Understood.	15:23:20
13	Have you asked to see the expert's report	15:23:26
14	in this case?	15:23:31
15	MS. LaROSS: Objection as to form.	15:23:32
16	A. I didn't know about it to ask, no.	15:23:33
17	Q. Okay.	15:23:36
18	Are you aware that we, Curling Plaintiffs,	15:23:39
19	have asked the Secretary of State's office's	15:23:43
20	attorneys to provide a proposal to allow the	15:23:48
21	Secretary of State and the State Election Board to	15:23:51
22	access some or all of Mr. Halderman's sealed	15:23:55

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1 report? 15:23:58

2 MS. LaROSS: Objection as to form. 15:23:59

3 A. I'm not aware. 15:24:01

4 Q. Okay. But if the report was made 15:24:04

5 accessible, you'd like to read it, right? 15:24:08

6 MS. LaROSS: Objection as to form. 15:24:11

7 A. If it were made available, I would read 15:24:13

8 it. 15:24:16

9 Q. And after this deposition concludes, 15:24:20

10 perhaps not immediately after, but in the near 15:24:25

11 future are you going to ask to read Mr. Halderman's 15:24:27

12 report? 15:24:31

13 MS. LaROSS: Objection as to form. 15:24:32

14 A. You mentioned in a question or two ago 15:24:35

15 that it was sealed. And so I would allow the 15:24:38

16 Secretary of State's office the time it needs to do 15:24:42

17 what it needs to do, but if it's unsealed and made 15:24:44

18 available, I would read it. 15:24:48

19 Q. Okay. And would you express to the 15:24:53

20 Secretary of State your interest in reading it? 15:24:56

21 MS. LaROSS: Objection as to form. 15:24:59

22 A. I mentioned that if it's made available I 15:25:01

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1 would read it. 15:25:03

2 Q. Are you concerned at all sitting here 15:25:10

3 today that there's been a report made by a top 15:25:13

4 security expert about the vulnerabilities to 15:25:17

5 Georgia's voting equipment and you have not been 15:25:21

6 made aware of the existence of this report? 15:25:25

7 MS. LaROSS: Objection as to form. 15:25:28

8 A. Let me rephrase my answer. I would like 15:25:32

9 to read it if it's made available. I'm only 15:25:34

10 knowing about it now and the fact that it's sealed 15:25:38

11 as you mentioned, if it were made available, I 15:25:42

12 would like to read it, yes. 15:25:45

13 Q. Okay. 15:25:49

14 I guess my question is like a little bit 15:25:57

15 different. So I'll just try to rephrase it. 15:25:59

16 A. Okay. 15:26:03

17 Q. Sitting here today as a member of the 15:26:06

18 State Election Board, you know, who's been given 15:26:09

19 the responsibility to promulgate rules, regulations 15:26:11

20 about elections in Georgia, are you concerned about 15:26:17

21 the fact that there has been a report made that 15:26:23

22 discusses vulnerabilities to election -- to 15:26:27

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1 Georgia's election system that if we had not been 15:26:31
2 sitting here today perhaps you would not even know 15:26:35
3 the existence of? 15:26:38

4 MS. LaROSS: Objection to the form of the 15:26:41
5 question. 15:26:42

6 A. So I will mention again I would like to 15:26:43
7 read it. 15:26:45

8 Q. Okay. 15:26:48

9 So are you aware of audits being conducted 15:27:11
10 concerning Georgia's elections? 15:27:17

11 A. To the extent they're in the newspapers. 15:27:22

12 Q. Okay. In your role as a member of the 15:27:27
13 State Election Board do you have any role in 15:27:30
14 deciding whether election audits should take place? 15:27:42

15 A. No. We have not -- no. 15:27:48

16 Q. And are you -- as a member of the State 15:27:54
17 Election Board are audit results shared with you? 15:27:58

18 A. I've not had an audit result shared with 15:28:03
19 me as a State Election Board member. I -- you 15:28:05
20 know, the audits are, as I mentioned, what I hear 15:28:10
21 in the papers. 15:28:15

22 Q. So do you not discuss election audits with 15:28:18

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1 the Secretary of State?

15:28:22

2 MS. LaROSS: Objection as to form.

15:28:24

3 A. My discussions with elections have been on

15:28:26

4 record at these meetings.

15:28:29

5 Q. Okay. And do audits come up as a topic of

15:28:34

6 meetings?

15:28:43

7 A. The elections audits as they're conducted

15:28:47

8 and as reported in the newspapers, is that what

15:28:51

9 you're asking?

15:28:53

10 Q. Sure. Or if there are any other type of

15:28:54

11 audits that are performed concern- -- concerning

15:28:57

12 Georgia elections.

15:29:00

13 A. If you're -- I mean, that's a very broad

15:29:02

14 question because there are verification audits that

15:29:06

15 the code has for the County election officials to

15:29:09

16 conduct. So to that extent they're handled as a

15:29:11

17 routine matter, but if you're talking about

15:29:16

18 election audits, I only know about them in the

15:29:18

19 newspapers.

15:29:23

20 Q. Okay. So can you explain what you mean

15:29:24

21 when you're referring to verification audits?

15:29:25

22 A. Oh, like system audits before an election.

15:29:27

		Page 61
1	It's in the code.	15:29:31
2	Q. Okay.	15:29:33
3	A. Yeah.	15:29:34
4	Q. And then when you're saying -- when I'm	15:29:34
5	referring to audits perhaps you're understanding	15:29:37
6	recount audits?	15:29:41
7	A. Yes, I'm assuming --	15:29:44
8	MS. LaROSS: Objection as to form.	15:29:45
9	THE WITNESS: I'm sorry. I -- the word	15:29:45
10	audit is broad. So I thought that's what you	15:29:48
11	meant. I probably shouldn't assume that.	15:29:51
12	Q. No, that is correct, and you're --	15:29:54
13	A. Okay.	15:29:56
14	Q. -- also correct that the word is very	15:29:56
15	broad. So apologies for not clarifying earlier.	15:29:57
16	A. No worries.	15:30:01
17	Q. Okay. So do you find -- so now when I'm	15:30:07
18	going to talk about audits, I'm going to talk about	15:30:10
19	it -- recount audits.	15:30:13
20	A. Okay.	15:30:15
21	Q. Do you find audits to be important?	15:30:15
22	MS. LaROSS: Sorry. I didn't hear your	15:30:20

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1 whole question, Tamara. What was your last 15:30:21

2 question? 15:30:24

3 MS. WIESEBRON: Sure. I'm actually going 15:30:25

4 to add another couple words after that. So I'll 15:30:26

5 just rephrase the entire question. 15:30:30

6 Do you find that audits are important to 15:30:37

7 verify election results? 15:30:39

8 MS. LaROSS: Objection as to form. 15:30:44

9 A. I find audits a tool that can be used when 15:30:47

10 necessary or when desired or when appropriate. I 15:30:52

11 don't know if I -- I don't believe that every 15:31:00

12 election every time requires an audit. It's when 15:31:01

13 it's appropriate. 15:31:08

14 Q. Okay. Do you know how audits work for 15:31:12

15 votes that were casting using a BMD? 15:31:15

16 A. I have only a general knowledge, but I 15:31:21

17 don't conduct audits. 15:31:23

18 Q. What is your general knowledge? 15:31:26

19 A. My understanding is the machines would -- 15:31:30

20 they would run through the tabulations again and 15:31:34

21 compare the numbers, but I don't conduct them and 15:31:37

22 I'm not in these systems -- I'm not trained to use 15:31:44

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1 these systems in this way. So I can only answer 15:31:47
2 from a very high-level knowledge. 15:31:50

3 Q. Okay. So from your understanding the 15:31:59
4 machine would run through the tabulations again, 15:32:06
5 you say compare the numbers. What numbers are they 15:32:09
6 comparing? 15:32:12

7 A. I guess the -- the final counts. 15:32:16

8 Q. The final counts of what? 15:32:21

9 A. The elections, the votes. 15:32:23

10 Q. What -- I guess the difficulty here is 15:32:31
11 that, you know, as we discussed earlier, the paper 15:32:35
12 receipts have both a QR code and the human readable 15:32:39
13 text, correct? 15:32:44

14 A. Uh-huh. Yes. 15:32:45

15 Q. And the QR code reflects what the voter 15:32:47
16 voted as recorded by the machine, correct? 15:32:54

17 A. Yes. 15:33:01

18 Q. Okay. So my question is when you're 15:33:01
19 saying that, you know, they're counting and they're 15:33:04
20 comparing the numbers, what exactly are they -- 15:33:09
21 which numbers are they comparing to? Are they 15:33:13
22 comparing the QR codes or are they comparing the 15:33:16

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1 human readable text? 15:33:20

2 MS. LaROSS: Objection as to form. 15:33:24

3 A. Again, I've not been trained to handle an 15:33:25

4 audit through these machines. So I don't know the 15:33:27

5 technicalities, but it's my understanding that the 15:33:31

6 tallies of the votes are re- -- they run it through 15:33:35

7 and compare the counts against the process and they 15:33:39

8 count it again, and if the numbers match up, then 15:33:46

9 that's a verification. 15:33:50

10 Q. Okay. I guess I'm just trying to 15:33:51

11 understand which numbers exactly we're talking 15:33:53

12 about. 15:33:56

13 A. Okay. 15:33:56

14 Q. There's a lot of -- you know, a lot of 15:34:00

15 different things that could be counted, right? 15:34:02

16 A. Uh-huh. 15:34:05

17 Q. So do you know whether the individual 15:34:05

18 paper ballots with human readable text are compared 15:34:16

19 to individual votes casted by using a machine? 15:34:20

20 MS. LaROSS: Objection as to form. 15:34:27

21 A. I've not gone through an audit. I don't 15:34:29

22 know the exact procedures of how that's all carried 15:34:32

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1 out through these new machines.

15:34:37

2 Q. Okay. So has the State Election Board
3 discussed at all procedures or rules applying to
4 how audits should be conducted?

15:34:41

15:34:45

15:34:52

5 A. I don't recall a specific -- I believe we
6 discussed it and if we have it's on record, but in
7 terms of, you know, the actual pieces of paper to
8 the BMD's, I don't recall that specific. But it
9 would all be on record. If you can show me a rule,
10 I could -- it could jog my memory.

15:35:00

15:35:06

15:35:09

15:35:15

15:35:19

15:35:24

11 Q. Okay. Well, why don't we -- I can share
12 an exhibit and maybe that will jog your memory.

15:35:29

15:35:33

13 A. Yeah. Thank you.

15:35:36

14 Q. No problem. So if you give me a moment,
15 I'm going to -- and this is going to appear in the
16 marked exhibit folder.

15:35:39

15:35:43

15:35:47

17 A. Okay.

15:35:49

18 Q. So let me just introduce an exhibit.

15:35:52

19 MS. LaROSS: And Ahn, you'll have to
20 refresh your screen once Tamara --

15:36:00

15:36:02

21 THE WITNESS: Yeah, he did say that,
22 didn't he.

15:36:04

15:36:05

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1	MS. LaROSS: Have you posted it, Tamara?	15:36:06
2	MS. WIESEBRON: No. Two seconds and	15:36:08
3	then --	15:36:09
4	MS. LaROSS: Sorry.	15:36:10
5	MS. WIESEBRON: No worries at all. I	15:36:10
6	will -- okay. I'm clicking right now. It says	15:36:13
7	distributing file complete. So now it should	15:36:20
8	appear.	15:36:21
9	BY MS. WIESEBRON:	15:36:30
10	Q. And let me know when you see it.	15:36:30
11	A. Should I refresh to see it?	15:36:32
12	MS. LaROSS: Yes. Hit your refresh	15:36:33
13	button.	15:36:35
14	THE WITNESS: I just don't want to hit	15:36:40
15	something that I may lose you.	15:36:41
16	THE REPORTER: If you hit F5 it will	15:36:48
17	refresh --	15:36:50
18	THE WITNESS: Okay.	15:36:50
19	THE REPORTER: -- the platform.	15:36:50
20	THE WITNESS: All right. That's good	15:36:52
21	advice. Thank you. Let me try that.	15:36:52
22	THE REPORTER: Make sure that you like	15:37:08

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1	click on the empty screen, that you're not on the	15:37:09
2	Zoom screen.	15:37:12
3	THE WITNESS: Okay. Yeah. Let me bring	15:37:13
4	you back up because I just -- let me minimize this	15:37:14
5	screen. I think I see you here. One second,	15:37:16
6	please, while I play with my screens.	15:37:19
7	MS. WIESEBRON: No worries.	15:37:22
8	THE WITNESS: Okay. All right. Can I	15:37:24
9	click it now?	15:37:25
10	MS. WIESEBRON: Uh-huh.	15:37:27
11	MS. LaROSS: Yes. I'm showing it on my	15:37:28
12	screen as well if that helps.	15:37:31
13	THE WITNESS: Okay. Yeah.	15:37:34
14	(Le Exhibit 1 was marked for	15:37:34
15	identification.)	15:37:34
16	BY MS. WIESEBRON:	15:37:39
17	Q. So this was -- these were minutes of a	15:37:39
18	State Election Board meeting that we downloaded	15:37:42
19	from the State Election Board Website.	15:37:45
20	A. Uh-huh.	15:37:48
21	Q. Do you recognize this document?	15:37:50
22	A. This is from which meeting? Sorry.	15:37:53

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1 Q. It says Friday, February 28th, 2020.

15:37:56

2 A. Yes.

15:38:00

3 Q. Do you see that under "Board members
4 present" there's your name?

15:38:05

15:38:08

5 A. Yes.

15:38:18

6 Q. Okay.

15:38:19

7 A. Yes.

15:38:20

8 Q. Does this refresh your recollection of

15:38:20

9 whether you attended a State Election Board meeting

15:38:24

10 on February 28, 2020?

15:38:27

11 A. Yes. That I attended, yes.

15:38:31

12 Q. Okay.

15:38:34

13 So if we scroll -- so first if we scroll

15:38:37

14 to the second page, there's a "Presentation of

15:38:42

15 rules petition" under Roman numeral 4.

15:38:47

16 A. Uh-huh.

15:38:50

17 Q. We'll come back to that in a little bit,

15:38:50

18 but first --

15:38:53

19 A. Okay.

15:38:54

20 Q. Well, actually, we can look at it now. Do

15:38:55

21 you see under "Proposed rule 6" all the way at the

15:38:58

22 bottom of the page there's --

15:39:03

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1 A. "Method of recounts"?

15:39:11

2 Q. Yep. Exactly. Do you see that?

15:39:16

3 A. Yes.

15:39:17

4 Q. Okay. Does that refresh your recollection

15:39:17

5 at all whether you discussed a proposed rule about

15:39:19

6 methods of recounts?

15:39:21

7 A. I was at this meeting, but the details of

15:39:25

8 it I need a little help on if you don't mind.

15:39:27

9 Q. Okay.

15:39:33

10 A. Are there -- honestly, it's a year and a

15:39:34

11 half ago with a lot of details in between that have

15:39:42

12 come up. If you could help me refresh my memory,

15:39:46

13 that would be good.

15:39:50

14 Q. Sure. Well, the only other information we

15:39:50

15 have from these meeting minutes is if you go to

15:39:54

16 page 4 --

15:39:58

17 A. 4. I lost count. Page 1. Okay. I'm on

15:40:02

18 4 I think.

15:40:06

19 Q. Okay. And then in the middle of the page

15:40:07

20 there's Rule 183-1-15-.03 --

15:40:11

21 A. Uh-huh.

15:40:17

22 Q. -- "Optical scan recount procedure"; do

15:40:17

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1	you see that?	15:40:22
2	A. Uh-huh.	15:40:24
3	Q. Does that refresh your recollect- --	15:40:28
4	recollection as to whether you discussed recount	15:40:29
5	procedures?	15:40:33
6	A. I recall some debate back then, but	15:40:37
7	it's -- yeah. Honestly, I don't remember the	15:40:40
8	specifics of what went back and forth.	15:40:43
9	Q. Okay.	15:40:51
10	A. I'm sorry.	15:40:54
11	Q. No worries.	15:40:56
12	A. It's been a while.	15:40:57
13	Q. Understood.	15:40:58
14	Okay. We'll come back to this in a little	15:41:16
15	bit, but -- so it's your testimony that you are not	15:41:21
16	exactly sure how audits are performed to verify	15:41:28
17	elections; is that right?	15:41:36
18	MS. LaROSS: Objection as to form.	15:41:38
19	A. I think I need a little refresh on this.	15:41:41
20	If I look at the rule I can, but rote memorization,	15:41:45
21	I don't have it off the top of my head. I'm sorry.	15:41:54
22	Q. Okay. No problem.	15:41:57

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1 And have you participated in any audits in 15:42:00
2 any way? 15:42:02

3 A. No, I've not. It -- you know, not having 15:42:03
4 carried it out it's hard to just memorize it off 15:42:08
5 the top of your head to say these are the, you 15:42:12
6 know, things that are done. And so no, I don't -- 15:42:14
7 I've not participated in one, and I can't recall 15:42:17
8 the exact verbiage off the top from rote 15:42:18
9 memorization. I'm sorry. 15:42:27

10 Q. No problem. 15:42:28

11 So from your understanding and what you 15:42:29
12 can recall from audits, if a machine -- a BMD 15:42:32
13 machine was tampered with such that the QR code 15:42:40
14 does not accurately reflect the voter's intention, 15:42:44
15 would an audit be able to pick up on that? 15:42:51

16 MS. LaROSS: Objection as to form. 15:42:54

17 A. If it were tampered would the audit be 15:42:58
18 able to pick up on that? I believe that's more of 15:43:01
19 a technology question. I don't know I can answer 15:43:05
20 that question. I don't think -- I can't answer 15:43:09
21 that question because it would require some 15:43:12
22 technical knowledge of how the technology works to 15:43:14

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1 pick up a tampering. 15:43:16

2 Q. Yeah. I guess do you know whether the 15:43:23

3 audits tabulate or recount one by one the votes as 15:43:31

4 casted in the machine compared to the human 15:43:46

5 readable text? 15:43:51

6 MS. LaROSS: Objection as to form. 15:43:54

7 A. I don't know the technology behind how the 15:43:56

8 machine does that. 15:44:00

9 Q. Okay. But you're not aware that for an 15:44:02

10 audit we verify one -- we compare the vote as 15:44:08

11 casted on the machine to the individual paper 15:44:17

12 receipt? 15:44:21

13 MS. LaROSS: Objection as to form. 15:44:23

14 A. Again, I don't know how the machine does 15:44:24

15 that technology-wise. 15:44:27

16 Q. Okay. The purpose of an audit is to 15:44:32

17 verify that the votes have been accurately counted; 15:44:45

18 would you agree? 15:44:50

19 A. Yes. 15:44:56

20 Q. Okay. And so you would want an audit to 15:44:56

21 be able to ensure that the votes actually represent 15:45:01

22 each and every voters' intention, right? 15:45:07

1 MS. LaROSS: Objection as to form. 15:45:11

2 A. I would want it to; is that what the 15:45:15

3 question is? You say I would want it to reflect? 15:45:17

4 Q. You would want the audit to ensure that 15:45:21

5 each vote as tabulated reflects the voter's 15:45:25

6 intention, right? 15:45:33

7 A. I would -- I would expect the audit to 15:45:33

8 tabulate as reported, yes, which is what the voters 15:45:38

9 intend, yes. 15:45:43

10 Q. Do you know what would happen if the audit 15:45:44

11 found an important discrepancy between the initial 15:45:51

12 tabulation and then the audited results? 15:45:58

13 MS. LaROSS: Objection to form. 15:46:03

14 A. Can you specify more specifically? 15:46:07

15 Q. Well, after an audit is conducted -- 15:46:09

16 A. Uh-huh. 15:46:17

17 Q. -- if the results of the audit indicate a 15:46:17

18 different outcome than the results that had 15:46:20

19 previously been issued by the tabulated votes 15:46:26

20 through the machine, would you know what the remedy 15:46:32

21 is under Georgia law? 15:46:38

22 MS. LaROSS: Objection as to form. 15:46:40

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1 A. I think the remedy -- one of the remedies 15:46:45
2 could be to ensure -- you know, the parties may 15:46:48
3 want to bring a lawsuit to contest possibly, but in 15:46:56
4 terms of the technical side or what aspect are you 15:47:02
5 asking what the remedy is? Is it what do we do as 15:47:05
6 state election folks or -- I'm sorry. Can you 15:47:11
7 clarify? 15:47:14

8 Q. Yeah. What -- what would either the State 15:47:15
9 Election Board and/or in conjunction with the 15:47:23
10 Secretary of State, what would they be able to do 15:47:24
11 under Georgia election law in order to remedy the 15:47:30
12 discrepancy in results? 15:47:36

13 A. I will have to admit it's been a while 15:47:38
14 since I've looked at the law and I don't have the 15:47:40
15 audit process memorized to look at it. I think 15:47:43
16 that if that issue were in front of me I would 15:47:48
17 definitely look at it, refresh, and research what 15:47:51
18 those options are, but if you're asking me from 15:47:55
19 rote memorization, I have to apologize, I don't 15:47:58
20 recall off the top of my head what those specific 15:48:03
21 steps are. 15:48:04

22 Q. Understood. 15:48:05

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1 Do you know if there's any way for an 15:48:08
2 election outcome to be declared invalid or to rerun 15:48:12
3 the election if the results of an audit indicate a 15:48:16
4 problem? 15:48:22

5 A. So speaking from memory and, again, 15:48:23
6 because this issue's not come up recently for me to 15:48:26
7 research to kind of refresh and get cemented in 15:48:29
8 these rules again, I would have to say are there 15:48:34
9 ways? Yes, there are always ways to have things 15:48:37
10 looked at if it meets a certain threshold and 15:48:39
11 deemed appropriate. If you're asking me for the 15:48:42
12 specific steps, I would have to apologize. I have 15:48:46
13 not looked at this in a long time. I would have to 15:48:49
14 research it and refresh my memory. 15:48:53

15 Q. Yeah. My last question in particular was 15:49:00
16 about two specific remedies. So if you know 15:49:02
17 whether a remedy could be for the election outcome 15:49:05
18 to be -- to be declared invalid under Georgia law 15:49:12
19 or to rerun elections? 15:49:15

20 MS. LaROSS: I object to the form. 15:49:20

21 A. If you're asking me about possibilities, 15:49:21
22 those are possibilities, but I'm sorry, I would 15:49:23

1 have to research to say, well, these are what you 15:49:25

2 would do step one, two, and three and refresh. 15:49:29

3 These are very specific particular with specific 15:49:32

4 steps and rules. And so it's just not having 15:49:37

5 looked at it in a long time to have rote 15:49:40

6 memorization, I cannot recall that. I'm sorry. 15:49:43

7 But is it a possibility? Yes. 15:49:46

8 Q. Would you be concerned if you weren't 15:49:52

9 allowed to vote in an election for some reason? 15:49:54

10 MS. LaROSS: I object to the form. 15:50:00

11 A. What reason would that be, may I ask, 15:50:01

12 because it would be -- under some circumstances, 15:50:04

13 like felons? You know, if it's just me everyday 15:50:11

14 walking in and all of a sudden I'm eligible to vote 15:50:16

15 and all of a sudden I'm not allowed to vote; is 15:50:19

16 that what the question is? 15:50:22

17 Q. Yeah, that's what the question is. 15:50:24

18 A. If I'm just outright denied the right to 15:50:26

19 vote as an citizen eligible otherwise? 15:50:29

20 Q. Yes. 15:50:33

21 A. I would not be happy. 15:50:34

22 Q. Why not? 15:50:35

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1 A. Because I would like to vote. 15:50:36

2 Q. Why would you like to vote? 15:50:42

3 MS. LaROSS: Objection as to form. 15:50:44

4 A. Because it's my right. 15:50:47

5 Q. Would you be concerned if you were forced 15:50:53

6 to vote by mail-in ballot? 15:50:55

7 MS. LaROSS: Objection as to form. 15:50:59

8 A. I have never been forced to vote in any 15:51:02

9 manner, though I've not had to ask myself that 15:51:07

10 question. I think voting has always been my 15:51:11

11 privilege and my right and I've always exercised it 15:51:17

12 in a free manner and have been allowed to vote. So 15:51:21

13 I've never been forced to vote one way or the 15:51:27

14 other. 15:51:31

15 So a hypothetical, I would imagine I 15:51:32

16 wouldn't be happy if I were forced one way or the 15:51:36

17 other. I just would like my choice and I exercise 15:51:38

18 it. 15:51:43

19 Q. Sorry. I should have -- my question was 15:51:44

20 unclear. So I apologize. 15:51:46

21 A. That's okay. 15:51:48

22 Q. What I meant to ask is would you be 15:51:49

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1 concerned if the only method of voting was vote by 15:51:52
2 mail? 15:51:58

3 A. Under normal circumstances I -- again, 15:52:02
4 it's a hypothetical because that's not the 15:52:05
5 situation we have now. So I would have to put 15:52:07
6 myself in a hypothetical environment, but if 15:52:09
7 circumstances dictate and that really is the only 15:52:16
8 way that I could cast my vote, whatever those 15:52:19
9 circumstances are -- and it's a hypothetical, so 15:52:22
10 it's hard to say, but let's just say either I have 15:52:23
11 a choice under the circumstances to either vote by 15:52:27
12 mail or not vote at all, no, I would rather take 15:52:29
13 what options that are available than not at all, of 15:52:32
14 course. But as we have it right now, we have 15:52:36
15 choices and I'm happy with my choices. I can vote 15:52:39
16 in a number of different ways and a number of 15:52:43
17 different times. So I feel very blessed and lucky 15:52:45
18 to have these opportunities. 15:52:48

19 Q. I guess my -- just to clarify more -- 15:52:51

20 A. Okay. 15:52:55

21 Q. -- would you be concerned if you felt like 15:52:58
22 you couldn't vote in person and you believed that 15:53:02

1 the only option you had to vote would be to vote by 15:53:08
2 mail? 15:53:12

3 MS. LaROSS: Objection as to form. 15:53:15

4 A. It's hard for me to put in this 15:53:18
5 hypothetical because in this past year I think 15:53:20
6 there have been times when many people probably 15:53:26
7 feel that way, because of the COVID pandemic they 15:53:29
8 don't want to be exposed. So it's hard for me to 15:53:34
9 put in that -- myself in that situation because we 15:53:38
10 all went through it and we all go through it 15:53:40
11 differently. I can only speak to myself. I was 15:53:42
12 not boxed into one choice or another. I didn't 15:53:45
13 feel like that was my -- my one choice. I had 15:53:48
14 multiple choices. And so from that standpoint I 15:53:50
15 did not feel like I had something to -- I was not 15:53:56
16 upset because I had choices in the way I voted. So 15:54:00
17 I don't know the answer to your question. I'm 15:54:04
18 sorry. 15:54:06

19 Q. Okay. Maybe I'll put it a little 15:54:09
20 differently. Are you satisfied with your option to 15:54:11
21 vote in person? 15:54:20

22 MS. LaROSS: Objection as to form. 15:54:23

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1 A. Yes. My voting in person and my other 15:54:26
2 options are all wonderful. I'm very blessed to 15:54:29
3 have these options. 15:54:31

4 Q. Do you find that voting in person -- the 15:54:36
5 ability to vote in person is important? 15:54:41

6 A. I find the ability to vote is important, 15:54:44
7 in person absolutely is one option, yes. 15:54:51

8 Q. Okay. And why do you find the ability to 15:54:53
9 vote in person is important? 15:54:55

10 A. In person is important or any other method 15:55:01
11 is important as long as you get your ballot in and 15:55:03
12 exercise your right or in my case exercise my 15:55:08
13 right. Why do I find in person important? It's 15:55:11
14 important because it's another avenue. I think 15:55:15
15 that, you know, some of us by way of purchasing 15:55:17
16 something these days, either we buy them on-line or 15:55:20
17 we buy them in person. It's not for everybody, but 15:55:23
18 it's -- you know, as long as we make it available, 15:55:27
19 and it's what -- the most important thing here is 15:55:32
20 that the individual exercises his or her right to 15:55:33
21 vote and those options are available. So, you 15:55:37
22 know, if in person is the preferred choice, then I 15:55:42

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1 think that's important. If by mail is by choice, 15:55:45

2 then that's important. 15:55:48

3 Q. Okay. And you mentioned -- and you 15:55:50

4 mentioned shopping, but you think that -- like is 15:55:52

5 there something special about voting in person that 15:55:56

6 might be different than shopping in person? 15:56:01

7 A. I don't mean to trivialize it in any way 15:56:04

8 at all. I guess what I was trying to exercise is 15:56:09

9 especially in these times what makes a person 15:56:12

10 comfortable in exercising a person's right. In my 15:56:15

11 case I like to have the option, and for that reason 15:56:18

12 it's important. 15:56:23

13 Q. If you found out after an election that 15:56:34

14 your vote had not been counted, would that concern 15:56:36

15 you? 15:56:40

16 A. Yes. 15:56:43

17 Q. Why is that? 15:56:44

18 A. Because I voted. 15:56:46

19 Q. And so why would that concern you if your 15:56:51

20 vote had not been counted? 15:56:53

21 MS. LaROSS: Objection as to form. 15:56:56

22 A. I don't know how to answer that question. 15:57:00

1 Because I voted and it didn't count.

15:57:03

2 Q. Right. I guess I'm just trying to --

15:57:10

3 trying to understand -- unpack why you find that

15:57:15

4 important. I apologize if that -- if it, you know,

15:57:18

5 seems like a self-evident question.

15:57:23

6 A. No, you don't have to apologize. I'm

15:57:29

7 trying to answer and I apologize if it doesn't

15:57:31

8 sound like I'm trying to answer, but I just don't

15:57:33

9 know how to answer it any other way. I voted and I

15:57:36

10 expect it to count. So I'm not quite sure that

15:57:38

11 we're probably -- you asked me would it concern

15:57:46

12 you, and that's the reason why I'm concerned. I

15:57:48

13 voted and it's not there.

15:57:50

14 Q. Is it perhaps because it's important to

15:57:52

15 you that your -- your vote is properly counted as

15:58:00

16 part of being in a democracy?

15:58:04

17 MS. LaROSS: Objection as to form.

15:58:09

18 A. Yes.

15:58:11

19 Q. Okay.

15:58:17

20 And what if your vote had been counted for

15:58:18

21 a different candidate than you intended to vote

15:58:23

22 for, would that concern you?

15:58:27

1 MS. LaROSS: Objection as to form. 15:58:31

2 A. Yes. It's a hypothetical, but yes. 15:58:34

3 Hypothetically, yes. 15:58:42

4 Q. And why is that? 15:58:43

5 A. Again, when I exercise my right, I'm 15:58:44

6 exercising my -- I'm displaying my intent. And so 15:58:48

7 that intent, hypothetically, if it didn't reflect 15:58:52

8 that in the final tabulation, then it's a vote and 15:58:56

9 yeah, that would concern me, but that's a 15:59:02

10 hypothetical. So I'm answering it hypothetically. 15:59:05

11 Q. Understood. 15:59:09

12 So just to summarize, in this situation 15:59:12

13 it's important for you that your vote as tabulated 15:59:18

14 reflects your intention; is that right? 15:59:22

15 MS. LaROSS: Objection as to form. 15:59:25

16 A. Yes. 15:59:29

17 Q. Okay. Do you publicly announce who you 15:59:29

18 vote for in an election? 15:59:35

19 A. Can you define "publicly announce"? I -- 15:59:39

20 Q. Would you announce on social media who you 15:59:45

21 voted for in an election? 15:59:50

22 MS. LaROSS: Objection as to form. 15:59:52

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1 A. I don't do that. 15:59:54

2 Q. Why not? 15:59:56

3 A. Because I'm not on social media. 15:59:58

4 Q. That makes sense then. 16:00:02

5 Would you announce in a newspaper who you 16:00:08

6 voted for and -- 16:00:11

7 A. It's a hypothetical -- excuse me. I'm 16:00:14

8 sorry, Diane. 16:00:16

9 Q. No. I was -- I was -- I was done. Go 16:00:17

10 ahead. 16:00:18

11 MS. LaROSS: Objection as to form. 16:00:19

12 A. It's a hypothetical, but I've not done 16:00:22

13 that. 16:00:24

14 Q. Okay. Why not? 16:00:25

15 A. I just never have the need to -- it's not 16:00:27

16 a -- it's not a value or a religious question. 16:00:31

17 It's just something I just haven't done and don't 16:00:36

18 do. 16:00:38

19 Q. Okay. 16:00:40

20 Do you consider your vote to be an 16:00:41

21 expression of your own political personal views on 16:00:45

22 candidates and issues? 16:00:50

1 MS. LaROSS: Objection as to form. 16:00:52

2 A. I view it as my expression of my 16:00:55

3 preference for that candidate. 16:00:59

4 Q. Are you concerned about the personal 16:01:04

5 information now required to be posted on the 16:01:06

6 envelope when voting absentee by mail? 16:01:12

7 A. Could you clarify in particular what 16:01:18

8 personal information? 16:01:20

9 Q. Name, address, there might be some other 16:01:24

10 personal information that's escaping me. 16:01:31

11 A. I'm not concerned that name and address. 16:01:36

12 On the what envelope? I'm sorry. Why don't you 16:01:40

13 ask again. 16:01:43

14 Q. On the absentee-by-mail envelope. 16:01:44

15 A. No, not name and address. 16:01:48

16 Q. Okay. So we discussed earlier that when 16:01:56

17 the receipts are tabulated -- and I think, you 16:02:02

18 know, we might have discussed this particular 16:02:08

19 issue, but I just want to come back to it. 16:02:09

20 A. Uh-huh. 16:02:13

21 Q. (continued) -- that the QR code is, in 16:02:13

22 fact, the part of the receipt that's tabulated, 16:02:18

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1 right? 16:02:20

2 MS. LaROSS: Objection as to form. 16:02:21

3 A. I'm not an IT person, but I believe that 16:02:27

4 the QR code is read. 16:02:31

5 Q. And human readable text is not tabulated, 16:02:34

6 correct? 16:02:40

7 MS. LaROSS: Objection as to form. 16:02:42

8 A. Yes. It's the QR code that gets -- they 16:02:45

9 both get -- yeah, they get -- the QR code gets 16:02:49

10 read. 16:02:52

11 Q. Would you be comfortable using BMD 16:02:53

12 machines that don't tabulate the QR codes but only 16:02:58

13 tabulate the human readable portion? 16:03:03

14 A. So this is a hypothetical, so I'll answer 16:03:08

15 a hypothetical. I would have the same confidence 16:03:10

16 that the machine is reading it, my human readable 16:03:16

17 text, as I do that it's reading the QR code. 16:03:25

18 Q. You wouldn't feel more confident in your 16:03:37

19 ability to know that the actual text that's being 16:03:42

20 tabulated is the same text that's read by the 16:03:49

21 scanning machine? 16:03:55

22 A. before I answer that question I preface it 16:04:01

1 with this. I'm coming at it as the machine reading 16:04:07
2 my vote, and because I'm coming at it that and I 16:04:10
3 have confidence in the machine to do its job 16:04:18
4 correctly, that if it's a human readable text or if 16:04:20
5 it's a QR code, then that confidence carries 16:04:25
6 through the function of the machine whether it's 16:04:29
7 text readable because the computer's still doing 16:04:32
8 that job for me whether it's text reading or 16:04:35
9 whether it's QR code. And because I'm coming at it 16:04:40
10 from that standpoint, I believe my vote -- you 16:04:43
11 know, I guess the question is would I be concerned 16:04:47
12 or prefer the human readable, and because I'm 16:04:51
13 coming at it from this perspective I have faith in 16:04:53
14 both, I have confidence in both. 16:04:56
15 Q. Okay. Let's go with a hypothetical that 16:04:58
16 if the -- if a BMD is hacked such that it does not 16:05:14
17 change the human readable text but it does change 16:05:17
18 the QR code, if you're looking at the receipt, 16:05:21
19 would you be able to recognize that the machine was 16:05:27
20 hacked? 16:05:31
21 A. Again, I think this is a hypothetical and 16:05:36
22 I'm not an IT person. There are ways for IT folks 16:05:39

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1 to recognize and audit I guess systems that run 16:05:42
2 these checks to know when a system's been hacked. 16:05:47
3 If you're asking me visually can I see a QR code 16:05:50
4 and know that it's been hacked from a QR code, no, 16:05:53
5 I cannot. 16:05:57

6 Q. Right. And so then you look at the 16:05:59
7 receipt, you cannot tell that it's been hacked, but 16:06:02
8 then when it gets tabulated you also can't tell 16:06:06
9 that it's hacked, right? 16:06:09

10 A. If you're asking me if I can read the QR 16:06:12
11 code and tie it to, you know, whether or not it's 16:06:15
12 been hacked and trace it all the way to the Nth 16:06:20
13 degree, no, I cannot. 16:06:23

14 Q. So wouldn't you agree that if it was a 16:06:24
15 human readable text that was actually tabulated and 16:06:28
16 not the QR code you could at least see that the 16:06:35
17 version of your vote that is tabulated reflects 16:06:41
18 your intention? 16:06:47

19 A. If you're asking that the text -- the 16:06:50
20 human readable text can be compared to one-to-one 16:06:53
21 vote directly over a QR code, if that's the tie-in 16:06:58
22 that you're making, then yes, you can read that, I 16:07:04

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1 can read that. I can't read a QR code, but there's 16:07:06
2 a missing piece in between that explains the 16:07:10
3 connection for me and that is it's still going 16:07:14
4 through a machine, it's still voting, and I have 16:07:17
5 confidence that that carries to the result. So 16:07:20
6 while I can't read all the QR code technology in 16:07:24
7 between, I can read that five votes here and five 16:07:28
8 votes at the end. 16:07:33
9 Q. Understood. 16:07:42
10 And so what you're saying is that you are 16:07:43
11 worried about the machine tabulating the vote; is 16:07:45
12 that right? 16:07:53
13 MS. LaROSS: Objection as to form. 16:07:53
14 A. I'm sorry. That I'm worried about it? 16:07:55
15 Can you rephrase? 16:07:57
16 Q. Whether -- that the risk exists on the 16:07:59
17 same manner for the machine tabulating the vote; is 16:08:02
18 that right? 16:08:06
19 A. I'm not sure we're saying the same thing. 16:08:08
20 Risk -- I mean, I think what I was expressing is 16:08:11
21 that the confidence I have through the QR code if I 16:08:18
22 do five votes here, it will spit out five votes 16:08:22

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1 here is the same as if I did a human readable five 16:08:27
2 votes here and connect it to the five votes at the 16:08:29
3 end. I don't read the technology -- QR code 16:08:32
4 technology in between, but I look at the end 16:08:36
5 results as a verification of the starting point. 16:08:40
6 Does that make sense or if I'm answering the 16:08:42
7 question? 16:08:46

8 Q. Isn't it important not only the number of 16:08:52
9 votes, but also that the votes accurately reflect 16:08:55
10 the voter's intent such that the candidate that the 16:08:58
11 voter intends to vote for is accurately tabulated 16:09:06
12 as such? 16:09:12

13 A. I don't know if I understand the question, 16:09:23
14 but if the question is is it important to 16:09:25
15 accurately reflect the vote that's cast, then the 16:09:28
16 answer is yes. 16:09:32

17 Q. Okay. 16:09:40

18 And do you think that if the BMD's 16:09:41
19 tabulated the human readable portion of the text 16:09:49
20 and not the QR codes, would that affect whether 16:09:53
21 they could be audited in a more precise way? 16:10:00

22 A. You're asking for my opinion if a human 16:10:11

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1 readable text could be audited in a more precise 16:10:16
2 way. I have confidence in the QR code, and so I 16:10:18
3 don't -- I think it -- I don't -- I guess what 16:10:29
4 you're asking is human text readable better than QR 16:10:32
5 code, and, again, from the previous answers that I 16:10:36
6 think I have confidence in both. 16:10:40

7 Q. Okay. 16:10:45

8 Do you -- we might have touched on this 16:10:50
9 earlier, but do you know how the ballots are 16:10:51
10 audited when the QR codes are tabulated? 16:10:58

11 A. And I think we did touch on this earlier, 16:11:06
12 and I would have to apologize again. I've not gone 16:11:09
13 through an actual audit myself. 16:11:13

14 Q. Are you aware that no other state uses 16:11:24
15 BMD's as the primary form of voting statewide? 16:11:28

16 A. No, I've not researched BMD's. Those 16:11:35
17 machines were selected before I got there, and so 16:11:38
18 I've not researched them. 16:11:41

19 Q. Okay. Are you concerned about the fact 16:11:45
20 that no other states primarily use BMD's as a state 16:11:48
21 of voting statewide? 16:11:54

22 MS. LaROSS: Objection as to form. 16:11:56

1 A. Without knowing more as to the reasons 16:11:59
2 why, just on purely the question alone, no. I 16:12:02
3 would need to know why. 16:12:08

4 Q. And if you found out that no other states 16:12:12
5 primarily use BMD's, would you want to know why 16:12:19
6 that was? 16:12:24

7 A. I think I'm curious from the standpoint of 16:12:28
8 general curiosity because I don't know if it's 16:12:32
9 because it's incompatible with their other systems, 16:12:36
10 if it's inappropriate for the functions that they 16:12:39
11 have. I don't know other states' election laws. 16:12:41
12 So without knowing more as to why it's a very 16:12:44
13 nebulous question that's hard to answer. So if I 16:12:49
14 say no, then it sounds like, oh, well, you know, 16:12:53
15 the assumption is -- or the suggestion is there's 16:12:57
16 something wrong with it and I don't care. That's 16:13:00
17 not the case. I want to know more as to why and 16:13:05
18 from that I'll make an informed decision. 16:13:08

19 Q. And have you discussed with State Election 16:13:11
20 Board members best practices for election systems 16:13:13
21 across the United States? 16:13:18

22 A. All the discussions we've had are on 16:13:20

1 record. So it's -- those are the discussions I've 16:13:22
2 had with my board members on these issues. 16:13:26

3 Q. But can you recall any discussions you've 16:13:31
4 had with board members about best practices for 16:13:35
5 election systems across the United States? 16:13:40

6 A. Not across the United States I can recall. 16:13:42

7 Q. And how about any -- can you recall any 16:13:45
8 discussions you've had with board members 16:13:48
9 discussing other states' election systems? 16:13:52

10 A. Not that I can recall. If it were, it 16:14:00
11 would be on record. 16:14:02

12 Q. Okay. 16:14:04

13 A. Sometimes these hours -- these meetings go 16:14:05
14 for all day and it's hard to remember the nuances 16:14:07
15 of every conversation, but off the top of my head I 16:14:10
16 don't recall. 16:14:13

17 Q. I think you testified earlier that you are 16:14:23
18 at least somewhat familiar with DRE's; is that 16:14:26
19 right? 16:14:28

20 A. Yes. Those memories are long ago too. 16:14:28

21 Q. From what you can recall, do you think 16:14:33
22 DRE's were as reliable as the BMD's? 16:14:38

1 A. I don't recall the technical -- I wasn't 16:14:47
2 in the deep weeds of the technology of DRE's as an 16:14:52
3 attorney. So -- but, you know, technologies have 16:14:56
4 changed and our infrastructure that supports those 16:15:03
5 technologies have changed. So -- not just here, 16:15:07
6 but the county levels I'm sure. So we evolve with 16:15:10
7 technology. So it's hard to say without knowing 16:15:14
8 the technology side of it because you're asking 16:15:18
9 about security. I don't have an opinion on that 16:15:20
10 right now without knowing more. 16:15:25

11 Q. Okay. 16:15:34

12 Were you aware of any security 16:15:35
13 vulnerabilities associated with the previous DRE's? 16:15:37

14 A. I was not informed of them if there were 16:15:43
15 any. So I'm not aware. 16:15:46

16 Q. Okay. Would you use hand-marked paper 16:15:49
17 ballots to vote? 16:15:56

18 MS. LaROSS: Objection as to form. 16:15:58

19 A. If they were offered to me, just if -- if 16:15:59
20 I have a choice to vote by hand, yes. 16:16:03

21 Q. Okay. Why is that? 16:16:05

22 A. Because, again, back to my earlier answer, 16:16:07

1 I value my right to vote and the choices I'm given. 16:16:11

2 I have multiple ways of voting and a hand paper 16:16:15

3 ballot is one of them, and I value that as well. 16:16:19

4 Q. Would you prefer hand-marked paper ballots 16:16:23

5 over voting through BMD's? 16:16:28

6 A. I think that's a vague question, but I'll 16:16:32

7 answer it in this way. If I -- I like the 16:16:37

8 different options. I vote by hand, I vote -- I've 16:16:43

9 done both and it depends on the situation. I 16:16:47

10 prefer it if the situation calls for it if I prefer 16:16:50

11 under this election to vote absentee, I would vote 16:16:53

12 absentee. If I prefer another election to show up 16:17:00

13 in person, I would do that in person. 16:17:02

14 Q. So I guess my question was trying to get 16:17:04

15 at whether you would prefer a system where if you 16:17:06

16 voted in person you would vote by hand-marked paper 16:17:11

17 ballots compared to the current system where you 16:17:16

18 use BMD's? 16:17:19

19 A. I guess what you're asking me and at the 16:17:25

20 risk of trying -- not asking the question for you 16:17:28

21 because I'm trying to answer it is if I had only 16:17:32

22 one choice? 16:17:35

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1 Q. Right.

16:17:36

2 A. Okay. Yeah, that's a hard one because I
3 have used both and I like to have the option of
4 having both. I've not, again, been in a universe
5 where I'm forced to vote one way or the other back
6 to our first question a while ago. So it's hard to
7 put myself in a hypothetical where I'm locked and
8 forced into voting this one way and only one way
9 because I do like both and I've voted with both.

16:17:36

16:17:44

16:17:47

16:17:50

16:17:53

16:17:59

16:18:02

16:18:05

10 Q. Understood, but I am -- I would like to

16:18:11

11 know whether -- which system right now sitting here
12 if you had to choose between BMD's and hand-marked
13 paper ballots, which one would you prefer?

16:18:19

16:18:26

16:18:32

14 MS. LaROSS: I object to the form of the
15 question.

16:18:36

16:18:37

16 A. I guess if you're forcing me to pick one
17 or the other when they're so equally close to me,
18 I'm just going to arbitrarily pick the machine
19 because, I don't know, it -- to me you're forcing
20 me to pick. So I'll pick one.

16:18:38

16:18:40

16:18:47

16:18:53

16:18:57

21 Q. Okay, but -- so why would you pick the
22 machine?

16:19:01

16:19:05

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1 A. Because I'm being forced to pick one. I 16:19:05
2 mean, I can name you a list of reasons I guess why 16:19:08
3 I like both and, you know, I just like my options 16:19:12
4 and that's something I've mentioned before. The 16:19:14
5 machine, it's -- we're in an age of technology. 16:19:18
6 Machines are around us everywhere, they make our 16:19:26
7 lives, you know, easier. We don't have to carry 16:19:29
8 boxes of paper back and forth. There's risk in 16:19:32
9 that too. And so in some degree I value the 16:19:35
10 machines for those reasons. 16:19:38
11 So I -- but you're being -- I'm being 16:19:43
12 forced to pick one or another in this hypothetical. 16:19:45
13 I could name you a list of why, you know, paper 16:19:48
14 ballots are good too. I can see it, I can smell 16:19:51
15 it. So there's pros and cons to both, and I'm 16:19:56
16 choosing machine because I'm being asked to pick 16:19:58
17 one. 16:20:00
18 Q. Okay. But we discussed that machines 16:20:04
19 create receipts which are used to -- for audits, 16:20:06
20 right? 16:20:13
21 A. For -- 16:20:15
22 MS. LaROSS: Objection as to form. 16:20:15

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1 THE WITNESS: I'm sorry. 16:20:18

2 MS. LaROSS: Go ahead. You're fine. 16:20:18

3 THE WITNESS: For audits it's also created 16:20:20

4 for me to look at before I put it through the 16:20:23

5 machine, through the scanner. 16:20:26

6 Q. And so the boxes of paper exist for both 16:20:27

7 the hand-marked paper ballots and BMD's, right? 16:20:33

8 A. Uh-huh. 16:20:38

9 Q. Do you know whether hand-marked paper 16:20:47

10 ballot systems cost less to administer than BMD 16:20:50

11 systems? 16:20:55

12 A. I've not been advised on the financial 16:20:58

13 side of systems and whether or not there's been a 16:21:02

14 report or a study or comparison. 16:21:09

15 Q. Is it a factor that you would consider in 16:21:14

16 choosing an election system? 16:21:18

17 MS. LaROSS: Objection as to form. 16:21:20

18 A. I think that affordability is important, 16:21:21

19 but security and access to votes are paramount. So 16:21:27

20 it's a -- is it an important factor? Yes. Is it 16:21:33

21 the most important factor? I would put security 16:21:38

22 and access to votes on top. 16:21:41

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1 Q. Agreed.

16:21:44

2 In terms of security, do you know whether

16:21:46

3 malware can infiltrate -- or whether malware can be

16:21:52

4 used to infiltrate an election system that uses

16:22:00

5 hand-marked paper ballots?

16:22:05

6 A. I'm not aware of those -- sounds like an

16:22:09

7 IT question, but I'm not aware.

16:22:14

8 Q. Okay.

16:22:19

9 Are you aware of any unauthorized access

16:22:25

10 to any component of Georgia's election system?

16:22:29

11 A. I'm sure we've had cases where -- and I

16:22:42

12 don't remember the specific counties or cases or

16:22:48

13 violations where unauthorized -- not unauthorized,

16:22:52

14 but maybe they did not follow procedures where

16:22:55

15 someone went in and didn't lock the door or

16:22:59

16 something correctly after. But, you know, that --

16:23:01

17 in terms of someone coming in and -- in the dark of

16:23:07

18 night and, you know, vandalized and recalculated

16:23:11

19 the machines kind of unauthorized, I'm not aware of

16:23:21

20 that.

16:23:23

21 Q. Are you aware of Logan Lamb?

16:23:31

22 A. No.

16:23:36

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1 Q. Are you aware of any unauthorized copying 16:23:43
2 of any Georgia election data? 16:23:47

3 A. Not that's been brought to my attention. 16:23:52

4 Q. You've never discussed with State Election 16:23:57
5 Board members whether there's been any unauthorized 16:24:01
6 copying of Georgia election data? 16:24:04

7 A. No. As I mentioned, my conversations are 16:24:08
8 on record. So no. 16:24:11

9 Q. Do you know whether any voting equipment 16:24:33
10 that was used for the DRE election system has been 16:24:41
11 re-used for the BMD election system? 16:24:45

12 MS. LaROSS: Objection as to form. 16:24:50

13 A. Not that I'm aware of. 16:24:52

14 Q. Have you -- have you discussed with State 16:24:59
15 Election Board members whether any voting equipment 16:25:04
16 that was used for the DRE election system has been 16:25:07
17 re-used for the BMD election system? 16:25:10

18 A. I've not had discussions on -- no, not on 16:25:15
19 that specificity, no. As mentioned, our 16:25:20
20 conversations around these are on record. So I 16:25:26
21 don't recall a meeting where we talked about which 16:25:30
22 pieces are being re-used and appropriate and 16:25:32

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1 compatible with the new system and which ones are 16:25:36
2 not. 16:25:38

3 Q. I'd like to go back to that first exhibit 16:25:40
4 that we looked at. Do you still have that tab open 16:25:42
5 somewhere on your computer? 16:25:47

6 A. Uh-huh. I do. 16:25:48

7 Q. Awesome. So we can just go directly to 16:25:50
8 page 2. 16:26:00

9 A. Okay. 16:26:04

10 Q. And I'd like to take a look at proposed 16:26:04
11 rule 5 which says "Preservation of memory cards"; 16:26:07
12 do you see that? 16:26:13

13 A. Uh-huh. 16:26:14

14 Q. Do you recall what rule was discussed with 16:26:16
15 regards to memory cards? 16:26:19

16 A. I remember there was some discussion 16:26:36
17 around it. I would like to see the minutes to help 16:26:38
18 refresh my memory on exactly how we discussed it, 16:26:43
19 but it would have been on record how we discussed 16:26:48
20 it and obviously it shows there that we voted. But 16:26:50
21 I don't want to state this with confidence, but I 16:26:58
22 remember it being discussed to some degree of 16:27:00

1 preservation of it for historical purposes and 16:27:03
2 also, I don't remember, possibly if -- you know, 16:27:06
3 how they -- how they could be re-used or something 16:27:14
4 to that degree. 16:27:22

5 But there was -- it's very vague. I'd 16:27:23
6 like to see the minutes to refresh, but I don't 16:27:25
7 recall this -- no, not with confidence, the 16:27:30
8 specific discussions that went back and forth. 16:27:33
9 Again, this was a while ago and, I'm sorry, I don't 16:27:36
10 have that kind of detailed memory. 16:27:40

11 Q. No worries. 16:27:42

12 Would you see an issue in reusing memory 16:27:55
13 cards or other election components from the 16:27:59
14 paragraph DRE system in the current BMD system? 16:28:04

15 MS. LaROSS: Objection as to form. 16:28:08

16 A. In what way? Like from a security 16:28:18
17 standpoint? Or what way are we talking about? 16:28:20

18 Q. Sure, from a security standpoint. 16:28:24

19 A. I think that if we could be assured that 16:28:31
20 the cards could be used in a way that doesn't 16:28:34
21 compromise the new system, you know, then I would 16:28:38
22 look at that. 16:28:44

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1 Q. Okay. 16:28:48

2 A. But if I couldn't be assured of that, then 16:28:49

3 we'd be -- we need to be concerned about that. So 16:28:53

4 I think it comes down to the technology side of it 16:28:57

5 and being -- understanding how that would work. 16:29:01

6 Q. Uh-huh. And as a member of the State 16:29:07

7 Election Board how would you want to be assured of 16:29:10

8 that? 16:29:14

9 A. I guess from my perspective I want to 16:29:18

10 understand the technology end of it, how that 16:29:24

11 works, right. So if I can understand how memory 16:29:26

12 cards work as it relates to the old machine and how 16:29:32

13 it works as it relates to the new machine and what 16:29:35

14 does it really contain and how does it get picked 16:29:38

15 up and read, I think just understanding the 16:29:40

16 technology of it would help me understand how this 16:29:46

17 works and if it were to be cleaned or sanitized for 16:29:48

18 new elections and how would that work, right. So 16:29:54

19 I'd just want to understand the mechanics of it and 16:29:58

20 then the technology end of it. 16:30:01

21 Q. And has anyone with technical expertise 16:30:04

22 provided a presentation to you and other State 16:30:08

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1 Election Board members about how some of these 16:30:15
2 technological components of Georgia's current 16:30:19
3 election system works? 16:30:23
4 A. No. We're not IT people. So -- 16:30:24
5 Q. But you make rules that involve IT, right? 16:30:32
6 A. I guess we're -- the BMD's are IT. So 16:30:40
7 yes, but -- 16:30:46
8 Q. Sorry. Go ahead. 16:30:51
9 A. Oh, no. Yeah, we make rules affecting the 16:30:52
10 processes that involve technology, but I don't have 16:30:55
11 the in-depth understanding or -- the way an IT 16:31:00
12 person would of any machine or technology. I'm not 16:31:05
13 an IT person. 16:31:07
14 Q. So if we look at actually the next page, 16:31:09
15 page 3. 16:31:14
16 A. Uh-huh. 16:31:15
17 Q. There's a proposed rule in the middle of 16:31:19
18 page, 183-1-12.08, called "Logic and accuracy 16:31:22
19 testing." 16:31:35
20 A. Uh-huh. 16:31:37
21 Q. Do you see that? 16:31:38
22 A. Oh, yeah. Uh-huh. I see it listed there. 16:31:42

1 Q. Do you recall what that rule was about? 16:31:47

2 A. I mean, I know what logic and accuracy 16:31:52

3 testing is. I would have to ask you to pull the 16:31:57

4 minutes up, a copy of it for me to look at, but yes, 16:32:00

5 I know what logic and accuracy testing is 16:32:03

6 generally. 16:32:06

7 Q. Yeah. I mean, unfortunately this is like 16:32:09

8 all the details we have available, you know, 16:32:11

9 publicly. 16:32:14

10 A. Okay. 16:32:14

11 Q. And so there haven't been made -- more 16:32:15

12 detailed notes made available about this particular 16:32:19

13 meeting to us. 16:32:21

14 A. Uh-huh. 16:32:22

15 Q. So, of course, if I had more details I'd 16:32:23

16 show them to you, but -- 16:32:27

17 A. Yeah. I'll try the best I can to remember 16:32:28

18 the conversations, but -- I'm sorry. Go ahead. 16:32:31

19 Q. No. I was just going to say this is the 16:32:34

20 extent of what we have right now on this. So can 16:32:37

21 you recall at all what that rule was about? 16:32:44

22 A. I know what it's about, but is there a 16:32:50

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1 specific question because these are very -- 16:32:55
2 election law and election rules and code are very, 16:33:00
3 very nuanced and unless I'm in it every day or 16:33:03
4 looking at it recently, it's very hard for me to 16:33:08
5 just have it rote memorization, right. So if it's 16:33:11
6 something that I'm called to look at, I would 16:33:15
7 research in detail and refresh my memory in detail. 16:33:17
8 So I don't recall specifically what that is, but I 16:33:21
9 do know what logic and accuracy testing is if 16:33:26
10 that's what you're asking me. 16:33:30
11 Q. Sure. What is logic and accuracy testing? 16:33:31
12 A. It's the L&A testing that counties go 16:33:33
13 through before putting technology out. 16:33:36
14 Q. Okay. And so does this rule purport to 16:33:43
15 provide requirements relating to logic and accuracy 16:33:48
16 testing? 16:33:54
17 A. These rules -- the rule for L&A testing 16:33:55
18 should have requirement steps or expectations. 16:33:57
19 Q. And the State Election Board votes on 16:34:08
20 these rules, right? 16:34:09
21 A. Uh-huh. Yes. 16:34:10
22 Q. Okay. And so before these rules are 16:34:12

1 passed I guess what type of information is provided 16:34:15
2 to you for you to be able to make an informed 16:34:23
3 decision on whether or not this is a good rule? 16:34:29

4 A. We're given copies of it and I review it. 16:34:37
5 You know, it depends on how much time we have to 16:34:45
6 look it over, but -- and it's procedural. And so I 16:34:46
7 think there's a working group that vetted it out in 16:34:54
8 the back. I'm not quite sure what was all -- I'm 16:34:59
9 not -- I wasn't a part of those, but there's a 16:35:01
10 working group that reviews them and thinks through 16:35:05
11 the issues. 16:35:10

12 And then as I see them and knowing at the 16:35:11
13 higher level of how things are done over there, you 16:35:13
14 know, just from historical knowledge and just 16:35:16
15 reading through it, these are updates too, if I'm 16:35:19
16 not mistaken, correct? So, you know, if it doesn't 16:35:26
17 look -- if it looks like it makes sense to do those 16:35:31
18 things, then that's what I base my decision on. 16:35:35

19 Q. Okay. But for some of these more 16:35:38
20 technological -- technologically-inclined rules or 16:35:45
21 IT-inclined rules you're not provided with any 16:35:49
22 particular IT or technology presentation, right? 16:35:53

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1 A. No. My understanding is that the 16:36:00
2 Secretary of State's office has an IT team and the 16:36:02
3 counties have an IT team that are in place to 16:36:05
4 handle the technology. And so our side of it is to 16:36:09
5 not get into the IT or to become IT experts, but to 16:36:15
6 look at the procedures as we pass these rules to 16:36:20
7 make sure that the rules make sense and they're 16:36:27
8 ensuring the election outcome that should be, which 16:36:34
9 is, you know, secure elections and all the things 16:36:37
10 that we're charged as a State Election Board. 16:36:41
11 Q. Yeah, but if you were able to get more 16:36:44
12 information on some of the important security 16:36:49
13 aspects of the Georgia voting system, you would 16:36:53
14 want to have that information, right? 16:37:01
15 A. Yes. And I would want to know it probably 16:37:06
16 in the context we -- our select -- our elections 16:37:09
17 have to stay secure. So it's not something I would 16:37:13
18 ask an IT person to lay out for me on record 16:37:16
19 publicly, you know, what our IT securities are. 16:37:19
20 Q. Right. You want it in a private record? 16:37:23
21 A. I mean, if it's offered to me. I -- 16:37:27
22 again, I believe the IT team at the Secretary of 16:37:29

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1 State's office and the county levels working in 16:37:32
2 conjunction with one another to ensure elections 16:37:37
3 are safe. So I leave it to the IT people to be IT 16:37:41
4 experts. 16:37:45

5 MS. LaROSS: Tamara, forgive me, but I 16:37:57
6 need to grab a cup of water if I may. So if we 16:37:59
7 could take a moment, but please keep going if 16:38:02
8 there's a more logical place to stop. I don't mean 16:38:06
9 to tell you when to do that. 16:38:08

10 MS. WIESEBRON: No. That is quite all 16:38:10
11 right and we have been going for a little while. 16:38:11
12 So I think it's perfectly fine to take a break. 16:38:14
13 That sounds good. 16:38:18

14 MS. LaROSS: Okay. Thanks. 16:38:19

15 THE VIDEOGRAPHER: We're going off the 16:38:20
16 record. The time is 4:38 p.m. 16:38:21

17 (A short break was had.) 16:48:47

18 THE VIDEOGRAPHER: We're back on the 16:50:05
19 record. The time is 4:50 p.m. 16:50:09

20 BY MS. WIESEBRON: 16:50:16

21 Q. You can take down that exhibit, Ms. Le. 16:50:16

22 A. Okay. I don't know how to take it down. 16:50:19

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1 I'm afraid I might -- 16:50:28

2 Q. You can close out of it if you want. 16:50:30

3 A. Okay. 16:50:33

4 MS. LaROSS: Just arrow out. You can do 16:50:34
5 the arrow next to where it says Exhibit 0001 I 16:50:36
6 think, perhaps. 16:50:41

7 Q. Have you heard any complaints about 16:50:49
8 Georgia's election system being hackable? 16:50:51

9 A. I may have gotten complaints from the 16:50:56
10 public, but I don't recall specifically. Just very 16:51:02
11 general kind of. I don't recall specifics. Just, 16:51:10
12 you know, the general, you know, don't -- pros and 16:51:17
13 cons, you know, people who like the system, people 16:51:21
14 who don't like the system kind of thing. 16:51:24

15 Q. Uh-huh. And were there any complaints 16:51:26
16 about Georgia's current election system's security 16:51:28
17 that stood out to you? 16:51:33

18 A. Not that I recall. 16:51:39

19 Q. Okay. I want to for just a second go back 16:51:41
20 to the expert report of Mr. Halderman we discussed 16:51:46
21 earlier today. Do you recall discussing that 16:51:51
22 report? 16:51:54

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1 A. I recall you mentioning it, yeah. 16:51:55

2 Q. Are you surprised that your lawyers did 16:51:59

3 not tell you that a leading election security 16:52:02

4 expert prepared a detailed report finding numerous 16:52:06

5 vulnerabilities with Georgia's election equipment? 16:52:11

6 MS. LaROSS: I object to the form of the 16:52:16

7 question. 16:52:17

8 A. No. It's news to me, but I'm not upset if 16:52:21

9 that's what you're asking. It's not been -- I 16:52:26

10 don't -- we haven't had conversations around this. 16:52:32

11 So I don't know if there was an opportunity to 16:52:35

12 bring it up. 16:52:37

13 Q. Are you surprised that your lawyers did 16:52:39

14 not tell you that the State's own election security 16:52:43

15 expert did not dispute Dr. Halderman's findings? 16:52:46

16 MS. LaROSS: I object to the form of the 16:52:50

17 question. 16:52:51

18 A. I was not aware of it until now. So -- 16:52:55

19 until this hearing, meeting. 16:52:58

20 Q. But does it surprise you that you were not 16:53:03

21 told that this State's own election security expert 16:53:06

22 did not dispute Dr. Halderman's findings? 16:53:11

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1 MS. LaROSS: I object to the form of the 16:53:13
2 question. 16:53:15

3 A. Again, my attorneys and I have not had 16:53:15
4 conversation -- 16:53:18

5 MS. LaROSS: I just object. Yeah, you 16:53:19
6 don't -- 16:53:21

7 THE WITNESS: I don't have to answer? 16:53:22
8 Okay. 16:53:23

9 MS. LaROSS: Yeah. I would have her -- 16:53:25
10 she should not get into conversations with us. 16:53:25
11 That's a problem with this line of questioning. 16:53:30

12 THE WITNESS: Yes. I'm sorry. 16:53:34

13 MS. WIESEBRON: To be clear, I'm not asking 16:53:36
14 you to divulge any privileged communications. I'm 16:53:38
15 just asking you whether you're surprised or not. 16:53:45

16 MS. LaROSS: I still have the same 16:53:50
17 objection because it goes into work product and 16:53:51
18 decisions that we made as attorneys or with respect 16:53:54
19 to a confidential report. There's just a myriad of 16:53:58
20 objections there. 16:54:03

21 MS. WIESEBRON: Just to be clear about 16:54:13
22 your objection, are you saying that her answering 16:54:15

1 whether she's surprised or not that -- because 16:54:20

2 she's already discussed that -- 16:54:27

3 MS. LaROSS: She's already answered the 16:54:30

4 question too. So -- 16:54:31

5 THE WITNESS: I'll refrain from answering 16:54:42

6 that on the advice of counsel -- objection of 16:54:43

7 counsel rather. I'm sorry. 16:54:45

8 MS. WIESEBRON: That's fine. I just want 16:54:51

9 to get on the record -- I just want to be clear on 16:54:53

10 the record what exactly the objection is. 16:54:56

11 MS. LaROSS: Well, as I stated before, to 16:55:03

12 the extent that it invades into the attorney-client 16:55:05

13 privilege about discussions she has with counsel 16:55:08

14 and counsel's decision in this -- in this case in 16:55:12

15 litigation, and you're getting really close to the 16:55:18

16 line asking these questions. So that's my 16:55:23

17 objection. I believe she's answered your question 16:55:26

18 in addition. So aside from the privilege answer -- 16:55:30

19 sorry -- the privilege objection, I believe she's 16:55:33

20 already answered it. 16:55:37

21 MS. WIESEBRON: Okay. Just to put it on 16:55:44

22 the record, I'm just asking about her state of 16:55:46

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1 mind, not any client advice, request for client 16:55:48

2 advice. So -- 16:55:54

3 MS. LaROSS: Yeah, but you are asking 16:55:57

4 about her state of mind as to client advice or as 16:55:58

5 to matters that would be within the discussion that 16:56:03

6 she might have with her lawyers along litigation, 16:56:05

7 about the litigation, about things that are going 16:56:09

8 on, about privileged material. So yeah, I don't 16:56:12

9 think that you can separate it that clearly. 16:56:18

10 MS. WIESEBRON: Okay. That's fine. 16:56:27

11 BY MS. WIESEBRON: 16:56:30

12 Q. When you testified earlier that you have 16:56:30

13 confidence in Georgia's current election system, is 16:56:34

14 it fair to say that you have not considered 16:56:38

15 Dr. Halderman's findings since you did not know 16:56:42

16 about them? 16:56:49

17 MS. LaROSS: Objection as to form. 16:56:50

18 A. I didn't know about them, about the 16:56:55

19 report. So -- and without knowing what the report 16:56:56

20 says, I still stand by my faith and confidence in 16:57:03

21 the system. 16:57:08

22 Q. Right. So just to be clear, you'd agree 16:57:11

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1 that you have confidence in Georgia's current 16:57:16
2 election system, but you have not read or 16:57:24
3 considered Dr. Halderman's findings? 16:57:27

4 MS. LaROSS: I object to the form of the 16:57:32
5 question. 16:57:33

6 A. I believe that's the question you just 16:57:34
7 asked, right? 16:57:35

8 Q. Uh-huh. 16:57:36

9 A. So my answer is the same. 16:57:37

10 Q. Okay. I'm just reading your answer to 16:57:45
11 make sure it's clear, but I think it will be fine. 16:58:05

12 Is privacy important to you as a State 16:58:14
13 Election Board member? 16:58:19

14 A. Yes. 16:58:21

15 Q. Have you heard voters complain that the 16:58:24
16 BMD screens are large? 16:58:27

17 A. Yes. 16:58:33

18 Q. Do you think the BMD screens are large? 16:58:33

19 A. Not for me, but that's a personal answer. 16:58:40

20 Q. Do you think voters' concern about the BMD 16:58:48
21 screens being too large is a valid concern? 16:58:53

22 A. I think that voters' concerns, you know, 16:58:58

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1 if they express that, it's worth looking at. I 16:59:04
2 don't want to say it's not valid. It just needs to 16:59:10
3 be looked at because to say it's not valid is to 16:59:13
4 negate their concern and that's not -- that's not 16:59:15
5 my job, you know, to negate concerns. 16:59:19

6 Q. Did you ever discuss privacy concerns 16:59:26
7 regarding BMD screens with other members of the 16:59:28
8 State Election Board? 16:59:33

9 A. That has been one of the points of 16:59:35
10 discussion I believe in one of the election 16:59:37
11 meetings when there were some concerns of public 16:59:39
12 comments that were brought up, but that is also on 16:59:44
13 record and I don't recall the specifics and what 16:59:46
14 was said. 16:59:48

15 Q. Do you know how poll workers are trained 16:59:52
16 in Georgia? 16:59:55

17 A. I know generally. I've not gone through 16:59:57
18 the training myself. So I don't know specifics. 16:59:59

19 Q. Is the State Election Board involved at 17:00:04
20 all in deciding how poll workers are trained? 17:00:06

21 A. Not that I recall in the how part, not 17:00:12
22 since I've been a part of it, no. 17:00:14

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1 Q. Okay. Do you know whether poll workers 17:00:16
2 are specifically trained to deal with operating BMD 17:00:21
3 machines? 17:00:26

4 A. Again, I've not gone through the actual 17:00:27
5 training. So I'm sorry to say I don't know what 17:00:31
6 exactly goes into the training piece. I know that 17:00:33
7 someone at the county's being trained on it, and 17:00:38
8 how they pass that knowledge on between the State 17:00:41
9 and within the counties I don't -- I've not gone 17:00:44
10 through one. So I don't know. 17:00:48

11 Q. Have you heard of voter complaints about 17:00:59
12 poll workers unable to help them because of 17:01:02
13 difficulties operating the BMD's? 17:01:07

14 A. I don't recall exact complaints, but I 17:01:14
15 get -- I remember vaguely that there are complaints 17:01:17
16 in general about confusion, but that happens with 17:01:19
17 each election. So I'm not -- I don't remember 17:01:23
18 exactly what component of which (indecipherable) of 17:01:28
19 the thousands and thousands of the poll workers we 17:01:33
20 have around the state. Sometimes there are 17:01:36
21 complaints about, you know, just confusion or 17:01:38
22 someone being -- a particular poll worker 17:01:41

1 forgetting something. Of course, that's when they 17:01:47
2 get brought before the State Election Board if it's 17:01:52
3 a material failure obviously. 17:01:54

4 Q. If you receive several -- like the same 17:02:02
5 type of complaints in front of the State Election 17:02:10
6 Board, does -- can the State Election Board take 17:02:12
7 any action to remedy these complaints? 17:02:15

8 A. I can only speak for myself and not the 17:02:19
9 whole board. As a board member, you know, I try to 17:02:21
10 look at the facts specifically because, again, 17:02:27
11 election law and election procedures are very, very 17:02:31
12 nuanced, as you may know, and two categories of the 17:02:35
13 same category, two failures of the same category, 17:02:38
14 two breaches of the same category, rather, is not 17:02:42
15 identical in cause, and as a board member I want to 17:02:46
16 look at what happened there in that particular case 17:02:49
17 even though, let's say, you have two of the same 17:02:51
18 function failures but the cause of it may be 17:02:55
19 different. And that's where you -- I want to look 17:02:57
20 at the causation, whether it's a training issue 17:03:00
21 that's particular to that person who forgot or is 17:03:04
22 it particular to that particular instance, whatever 17:03:08

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1 that may be. 17:03:10

2 So it's very nuanced and in that way, you 17:03:11

3 know, I don't want to give the impression that, oh, 17:03:14

4 yeah, you know, three of the same categories. You 17:03:18

5 have to really look at the facts on how that 17:03:21

6 violation came about to really understand what the 17:03:25

7 appropriate action should be. 17:03:28

8 Q. And what type of actions could you take as 17:03:38

9 a member of the State Election Board if you realize 17:03:41

10 that there could be a better process in place? 17:03:45

11 A. Well, it's a hypothetical, but generally 17:03:54

12 speaking, if I found that there's a better process 17:03:57

13 in place, you definitely suggest it, right. I can 17:04:00

14 definitely suggest it. The process is sometimes 17:04:05

15 not necessarily in the authority of the State 17:04:10

16 Election Board to just -- you know, sometimes it 17:04:14

17 depends on -- it's a very general question. So, 17:04:17

18 you know, some of this purview falls under the 17:04:21

19 legislators. We don't just get to say I don't know 17:04:24

20 like this and let's do away with that, right. 17:04:27

21 So it's a very general question, but if 17:04:30

22 you're asking me a hypothetical and just generally 17:04:32

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1 speaking, yes, as a State Election Board member I 17:04:34
2 can definitely suggest it. 17:04:36

3 Q. Understood. Thank you. 17:04:40

4 Is it important to you as a State Election 17:04:46
5 Board member that every county in Georgia has 17:04:48
6 sufficient election equipment for all voters that 17:04:51
7 want to cast a ballot? 17:04:54

8 A. Yes. You would want counties to have 17:04:57
9 access to equipment. 17:05:03

10 Q. Have you heard voters complain about 17:05:04
11 counties not having enough equipment? 17:05:06

12 A. Yes, I have, and I forget where it came 17:05:13
13 from. Again, sometimes these complaints and 17:05:15
14 comments come a lot and sometimes it's because I'm 17:05:18
15 reading the newspaper. So I have heard it, but I 17:05:20
16 can't recall exactly the date, times, or locations. 17:05:24

17 Q. Do you recall approximately when this 17:05:34
18 might -- this issue might have surfaced? 17:05:38

19 A. It may have surfaced maybe with Fulton 17:05:42
20 County, you know, with the long lines. I don't 17:05:49
21 remember exactly the context, but I think that's 17:05:51
22 one that was of concern in the newspapers and, you 17:05:55

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1 know, as part of the chatter.

17:06:01

2 Q. Did you hear any complaints about voters

17:06:09

3 deciding not to cast a ballot because the equipment

17:06:13

4 was inoperable or the waiting for the equipment

17:06:17

5 issues to be solved was too long?

17:06:22

6 A. Again, some of our complaints come in the

17:06:28

7 form of cases before us as State members, election

17:06:31

8 members. So with the volume that we look at in

17:06:35

9 addition to comments that we receive, especially in

17:06:40

10 opening comments to these meetings, it gets --

17:06:43

11 there's a significant number.

17:06:47

12 So all that's to say violations and

17:06:50

13 comments, you know, complaints are kind of meshed

17:06:52

14 together in my mind right now, but as I recall it,

17:06:55

15 there were cases that we heard where voters, the

17:06:59

16 result of it -- and the voters may not have shown

17:07:07

17 up to make a comment during these hearings, but we

17:07:09

18 did hear through the facts of the case that the end

17:07:13

19 result was maybe one or two people had to leave and

17:07:14

20 didn't vote for whatever reason because of

17:07:16

21 technical, you know, issues. So I do remember

17:07:18

22 situations like that, yes.

17:07:22

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1 Q. How often do -- how often is it that when 17:07:35
2 you meet with State Election Board members that you 17:07:37
3 discuss security issues? 17:07:43

4 A. I think you asked this question before, 17:07:46
5 and I've mentioned that all my conversations are on 17:07:49
6 record about this. So if we had conversations 17:07:53
7 about security it would have been on record, but I 17:07:59
8 don't recall an IT kind of conversation. Probably 17:08:05
9 I'm thinking some of this is because the machines 17:08:11
10 have already been -- you know, I came in late into 17:08:16
11 the game, if you will. So... 17:08:19

12 Q. Fair enough. I guess I'm asking more of a 17:08:21
13 qualitative question from like what you can recall 17:08:24
14 when you meet with your fellow State Election Board 17:08:27
15 members, is it like every time you meet there's a 17:08:32
16 security issue or question that comes up, half the 17:08:34
17 time, maybe once or twice a year? 17:08:38

18 A. Yeah. I don't recall, and it would have 17:08:41
19 been on record, you know, those cases that we hear. 17:08:45
20 I don't think it's that often, if any at all, I 17:08:51
21 don't recall, but I don't -- it's not significant. 17:08:55
22 I think that would stay in my mind, but no. I 17:08:59

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1 think there -- there are comments that come up 17:09:02
2 about security concerns, but in terms of cases, I 17:09:07
3 don't recall. If you're talking about -- security 17:09:14
4 is a broad word too when it comes to cases, you 17:09:15
5 know. You know, security in the sense of technical 17:09:20
6 failure, I don't recall. 17:09:22

7 MS. WIESEBRON: Okay. Those are all of 17:09:31
8 the questions I had for you today. So unless your 17:09:32
9 counsel has anything further -- 17:09:36

10 MS. LaROSS: I have no questions. 17:09:38

11 MS. WIESEBRON: Okay. Great. Well, thank 17:09:39
12 you very much, Ms. Le, for being here today and 17:09:40
13 giving us your time. 17:09:44

14 THE WITNESS: My pleasure. 17:09:46

15 MS. WIESEBRON: We really appreciate it. 17:09:48

16 THE VIDEOGRAPHER: This marks the end of 17:09:50
17 the deposition. We're going off the record at 17:09:52
18 5:09 p.m. 17:09:53

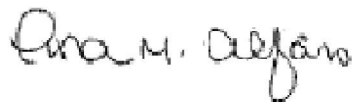
19 (Whereupon, at 5:09 p.m. the 17:09:54
20 taking of the instant 17:09:54
21 deposition ceased.) 17:09:54
22 17:09:54

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, TINA M. ALFARO, Registered Professional
3 Reporter, Certified Realtime Reporter, and Notary
4 Public, the officer before whom the foregoing
5 deposition was taken, do hereby certify that the
6 foregoing transcript is a true and correct record
7 of the testimony given; that said testimony was
8 taken by me stenographically and thereafter reduced
9 to typewriting under my direction; that reading and
10 signing was requested; and that I am neither
11 counsel for, related to, nor employed by any of the
12 parties to this case and have no interest,
13 financial or otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 17th day of
16 Novrember, 2021.

17
18 My Commission expires October 31, 2025.

19 

20 _____
21 NOTARY PUBLIC IN AND FOR THE
22 DISTRICT OF COLUMBIA

1 Diana LaRoss, Esquire

2 dlaross@taylorenglish.com

3 November 17, 2021

4 RE: Curling, Donna v. Raffensperger, Brad

5 11/4/2021, Anh Le (#4880309)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

Curling, Donna v. Raffensperger, Brad

Anh Le (#4880309)

E R R A T A S H E E T

PAGE 10 LINE 3 CHANGE delete "in"

REASON transcription error

PAGE 12 LINE 11 CHANGE Change to: "Nominated by the Republican Party and
appointed by the Governor."

REASON as per O.C.G.A §21-2-30(a)

PAGE 29 LINE 18 CHANGE change from "a motion" to
"in motion"

REASON transcription error

PAGE 119 LINE 19 CHANGE delete "know"

REASON transcription error

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

Anh Le

Date

1 Curling, Donna v. Raffensperger, Brad
2 Anh Le (#4880309)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Anh Le, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12

Anh Le 12/15/21
Date

13

*If notary is required

14

15

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF December, 2021.

16

17

18

19

Rashmi Ahuja
NOTARY PUBLIC

20

21

22

23

24

25

